

(2018) 03 CAT CK 0024

In the Central Administrative Tribunal

Case No : Review Application No. 56 Of 2015, Original Application No. 3549 of 2014

Sandeep Singh

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 22-03-2018

Acts Referred:

Administrative Tribunals Act, 1985 — Section 22(3)(f)
Central Administrative Tribunal (Procedure) Rules, 1987 — Rule 17

Citation : (2018) 03 CAT CK 0024

Hon'ble Judges : Raj Vir Sharma, Praveen Mahajan, Member (A)

Bench : Division Bench

Advocate : Sachin Chauhan, S.M. Arif

Final Decision : Allowed

Judgement

Raj Vir Sharma, J

1. The review petitioner was applicant in OA No. 3549 OF 2014. The present review application has been filed by him under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 read with Section 22(3)(f) of the Administrative Tribunals Act, 1985, seeking review of the order dated 20.1.2015 passed by the Tribunal disposing of O.A.No.3549 of 2014, along with a number of O.As., with certain directions to the respondents.

2. In spite of several opportunities being granted to the respondent-opposite parties, no counter reply to R.A. has been filed.

3. We have carefully perused the records of R.A.No.56 of 2015 and of OA No.3549 of 2014 along with the order dated 20.1.2015 which is sought to be reviewed by the review petitioner, so far as O.A.No.3549 of 2014 is concerned. We have also heard Mr.Sachin Chauhan, learned counsel appearing for the applicant-review petitioner and Mr.S.M.Arif, learned counsel appearing for the respondent-opposite parties.

4. In support of his prayer for reviewing the order dated 20.1.2015, so far as O.A.No.3549 of 2014 is concerned, the applicant-review petitioner has urged the following grounds:

"A. That there is an error apparent on the face of record as Hon"ble Tribunal while allowing the O.A. of applicant has wrongly clubbed the O.A. of applicant along with other batch O.As. although the facts of case of applicant are different and further allowed the O.A.No. 3549/2014 on wrong facts and it is a matter of record that facts and prayer of applicant in OA No. 3549/2014 does not match with the fact and prayer of batch matter O.As. decided on 15.01.2015 (pronounced on 20.1.2015) thus the judgment dated 15.01.2015 (pronounced on 20.01.2015) in OA No. 3549/2014 needs to be reviewed.

B. That there is an error apparent on the face of record as the present OA of the applicant deals the examination for recruitment of Sub Inspectors in CPOs, ASI in CISF & Intelligence Officer in NCB-2011 (conducted by SSC) whereas the batch matter decided by Hon"ble Tribunal relates to the examination of Combined Graduate Level Examination (CGLE-2012) (conducted by SSC).

C. That the present OA being allowed is not going to render any justice to the applicant as the direction given by the Hon"ble Tribunal does not apply to the facts of the present case."

5. OA No.3549 of 2014 was filed by the applicant-review petitioner for quashing of the show-cause notice dated 19.2.2013 and the order dated 23.8.2013 issued by the respondent-opposite party-Staff Selection Commission (SSC) debarring the applicant from appearing in any examination conducted by the SSC for a period of five years. In the show- cause notice dated 19.2.2013 and the order dated 23.8.2013, it was clearly mentioned that the applicant was a candidate of ? Sub Inspectors in CPO, Assistant Sub Inspectors in CISF and Intelligence Officers in NCB Examination-2011" conducted by the SSC. In their counter reply to the PT, the respondent-opposite parties have also clearly stated that the applicant-review petitioner was a candidate of ?Sub Inspectors in CPO, Assistant Sub Inspectors in CISF and Intelligence Officers in NCB Examination-2011".

OA Nos.1287 of 2014 and other O.As., which were disposed of by the Tribunal, vide order dated 20.1.2015(ibid), were filed by the applicant- candidates of Combined Graduate Level Examination-2012 conducted by the SSC challenging the fresh show-cause notices issued by the respondent-SSC calling upon them to show cause as to why their candidatures shall not be rejected and they shall not be debarred for five years from appearing in any examination conducted by the SSC. In the above view of the matter, O.A.No.3549 of 2014 ought not to have been clubbed with O.A.Nos.1287 of 2014 and other O.As. and decided by the Tribunal through the order dated 20.1.2015(ibid), more so when no counter reply thereto was filed by the respondents and the pleadings therein were not completed. Thus, it is found that so far as O.A.No.3549of 2014 is concerned, there is material error, manifest on the face of the order dated 20.1.2015(ibid),

which undermines its soundness and results in miscarriage of justice.

6. In the light of what has been discussed above, we review/recall the order dated 20.1.2015(ibid) so far as OA No. 3549 of 2014 is concerned and restore O.A.No.3549 of 2014 for hearing and disposal in accordance with law.

7. Resultantly, R.A. No.56 of 2015 is allowed to the extent indicated above. No costs.

8. The respondents are directed to file their counter reply to O.A.No.3549 of 2014 by 23.4.2018. The applicant shall file his rejoinder reply, if any, by 31.4.2018. OA No.3549 of 2014 shall be listed before appropriate Bench for hearing on 1.5.2018.