
(2019) 02 CAT CK 0099

In the Central Administrative Tribunal

Case No : Original Application No. 35 Of 2017

Sh. Kuldeep Kadyan

APPELLANT

Vs

Govt. Of GNCT Delhi

RESPONDENT

Date of Decision : 14-02-2019

Acts Referred:

Central Administrative Tribunal (Procedure) Rules, 1987 — Rule 15

Citation : (2019) 02 CAT CK 0099

Hon'ble Judges : Nita Chowdhury, J;S.N. Terdal, J

Bench : Division Bench

Advocate : K.M. Singh

Final Decision : Dismissed

Judgement

Nita Chowdhury, J

1. Continuous non-appearance of the counsel for the applicant compelled this Court to proceed in this matter by invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1987. Accordingly, we heard learned counsel for the respondents.

2. By filing this OA, the applicant is seeking the following reliefs:-

"a) To Select the Applicant having Roll No. 13008277 for the post of Assistant Superintendent in Prison Department, GNCT of Delhi (Post Code 38/13), as he is the eligible candidate for the said post.

b) Applicant may be duly compensated in terms of Monetary Benefit.

c) Necessary inquiry should be conducted against the Respondent for dispatching the intimation letter for P.E.T. which was to be held on dated 12/07/2016 for the post of Assistant Superintendent in Prison Department, GNCT of Delhi (Post Code 38/13) on dated 11/07/2016.

d) Allow the present O.A. in favour of the Applicant and against the Respondent.

e) Pass any other order, direction or relief which this Hon'ble Tribunal may deem fit and proper in favour of the Applicant, keeping in view of the facts and circumstances of the case and in the kind interest of Justice."

3. The main grievance of the applicant in this case is that intimation regarding PET for the post of Assistant Superintendent in Prison Department, which was scheduled to be held on 12.7.2016, was received by him only on 15. 7.2016, i.e., much after the scheduled date and therefore, the applicant was deprived the chance to appear in the said PET and therefore he preferred his representation on 18. 7.2016 and 5.9.2016 and when no response was received by the applicant on this grievance, he has filed this OA seeking the reliefs as quoted above.

4. This matter came up before this Tribunal on 3.1.2019 and this Tribunal observed as under:-

"Nobody appears for the applicant while the respondents have filed their counter affidavit on 26.10.2017. Rejoinder has not been filed since then. Hence, right to file rejoinder stands forfeited.

Counsel for the respondents informs that they have given number of opportunities to the applicant in this OA to appear for his Physical Endurance Test but he did not appear for the same. It is their case that in view of his non-appearance, the applicant could not be selected.

The main issue in this OA pertains to the averment of the applicant that he received the intimation with regard to endurance test late. Hence, he could not appear and has given a number of representations against the same. The respondents are directed to give the specific information as to how they have disposed of the representation of the applicant. They are given two weeks to furnish this information.

List the case on 06.02.2019.

It is made clear that no further opportunity shall be given to any party as this is an appointment matter."

5. In compliance of the aforesaid directions of this Tribunal, the respondents have filed their short affidavit in which it is stated that DSSSB receives large numbers of applications from the candidates for change of date of Exam/PET/Skill Test due to various reasons. DSSSB does not change the date of Exam/PET as per the preference/ requirement of the candidates as DSSSB intimates to the candidates about the schedule of PET Exam through the various prevailing modes of communications. If DSSSB starts considering the request of candidates for change of Exam/PET/Skill Test then it will open a Pandora box and it will become very difficult for DSSSB to conduct the Exams within a given time frame. There is no policy of the Board to change the date of Exam/PET/Skill Test/Interview on the request of candidates.

6. It is further stated that DSSSB has got conducted exams of various posts

including the exams of 68 post codes of teaching categories and 28 post codes of other categories since June 2018 for more than 10 lakhs candidates. Apart from that skill test/physical endurance tests are being conducted for various posts for around 3 lakhs candidates, which is likely to be completed by the end of April 2019. It is reiterated that keeping in mind the packed calendar of the DSSSB starts considering exam/PET/Skill test, if DSSSB starts considering the request of candidates for date of change of exam/PET/Skill Test, or request for re-examination/PET for which the date of Exam/PET/Skill Test has passed or even the cases where the DSSSB has already closed the selection then it will open a Pandora box and it will become very difficult for DSSSB to conduct the exams within a given time frame.

7. During the course of hearing, counsel for the respondents, submitted that applicant was informed through SMS on his mobile number as well as by wide publicity in the news papers well in advance as is evident from the documents annexed with the reply as well as short affidavit filed by them as such sufficient opportunity was granted to the applicant to appear in PET for the post in question. He also specifically referred to a report with regard to sending of SMS of intimation of holding of PET for the post in question as annexed with short affidavit at page 14.

8. After hearing learned counsel for the respondents and also after perusing the pleadings available in the OA, this Court also find that although letter with regard to intimation was issued on 11.7.2016 but there is no denial of the fact that respondents have given wide publicity regarding holding of PET for the post in question by way of advertisement in the newspaper as well as on their website and also SMS was issued to all the eligible candidates to appear in the said PET and the respondents have annexed a report of the electronic download by the applicant of this OA which shows that SMS for the said PET was sent successfully to the applicant.

9. In view of the above facts and circumstances of this case, this Court is not inclined to interfere in this matter and the present OA is dismissed accordingly. There shall be no order as to costs.