

(2019) 03 CAT CK 0011
In the Central Administrative Tribunal
Case No : Original Application No. 1630 Of 2017

Vikash

APPELLANT

Vs

Union Of India, Through its Secretary

RESPONDENT

Date of Decision : 01-03-2019

Acts Referred:

Constitution Of India, 1950 — Article 14, 16, 21

Citation : (2019) 03 CAT CK 0011

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

Bench : Division Bench

Advocate : R.K. Sharma, R.K. Shokeen

Final Decision : Dismissed

Judgement

Nita Chowdhury, J

1. Heard learned counsel for the parties.

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

"a) Direct the respondent No.2 to declare the result of the applicant;

b) Direct the RespondentNo.2 to appoint the applicant for the post of MATE (SSK) in M.E.S.

c) Allow the present application with cost.

d) Pass any other or further order/s as this Hon'ble

Tribunal may deem fit and proper in the facts and circumstances of the present case."

3. Brief facts of the case are that in the year 2015, Respondent no.2 issued advertisement for filling up the post of MATE (SSK) in Military Engineering Service (MES). Pursuant to the said advertisement, the applicant applied for the said post. The respondent no.2 issued Admit Card with Roll No.5571 to the

applicant for appearing in the Written Test which was scheduled to be held on 10.5.2015. The applicant appeared in the said examination on the said date. However, respondent no.2 did not declare the result of the said written examination of the applicant till February 2016, the applicant approached the office of respondent no.2 in this regard but no satisfactory reply was given to him.

3.1 On 20.3.2016, the applicant made an application under RTI Act and on 3.4.2017, the respondent no.2 gave the reply to the applicant by furnishing the result of the written examination for the said post held on 10.5.2015 is under process and not yet been declared due to administrative reasons.

3.2 Being aggrieved by inaction on the part of the respondents on his grievance, the applicant has filed this OA seeking the reliefs as mentioned above.

4. Pursuant to notice issued to the respondents, they have filed their reply in which it is stated that the result of the said examination could not be declared due to bonafide administrative technical reasons as enumerated below:

(i) OA No.1953/2015 filed by Shri Pardeep Kumar & others at Hon'ble CAT (PB) New Delhi V/S UOI against the subject recruitment of Mate (SSK) held on 10 May 2015. The Hon'ble CAT New Delhi has dismissed subject OA on 16 Mar 2016 in favour of UOI.

(ii) Shri Pardeep Kumar & Others filed a WP(C) 4768/2016, CM 19876-877/2016 at Hon'ble High Court Delhi to challenge Hon'ble CAT (PB) New Delhi order dated 16 Mar 2016 delivered in OA No.1604/2015 and OA No1953/2015. The Hon'ble High Court Delhi has also dismissed subject WP(C) on 24 May 2016 in favour of UOI with liberty to petitioners namely Pradeep Kumar & Others to independently filed another writ impugning the order dated 16 Mar 2016 passed in OA 1953/2016.

(iii) Shri Pardeep Kumar & others filed another WP(C) 1263/2016 at Hon'ble High Court Delhi to challenge Hon'ble CAT (PB) New Delhi order dated 16 Mar 2016 delivered in OA No.1604/2015 and OA NO.1953/2015 as explained above. The Hon'ble High Court Delhi has also dismissed subject WP(C) on 25 Apr 2017 in favour of UOI.

(iv) On Scrutiny of 95 (UR-50, SC-17, ST-Nil, OBC-28=95) vacancies allotted to HQ CWE (AF) Palam for recruitment Mate (SSK) by HQ CEWE, Chandimandir vide their employment Notice No.30603/LRS/12-13/VOL-III/E1C(1) (Annexure-I), it has come to notice that the same has not been earmarked properly whereas it should be as (UR-48, SC-14, ST-07, OBC-26=95) in accordance with 200 point reservation roster maintained by Respondent No. 2. On approval from higher authority, 07 vacancies for recruitment in respect of ST category as per 200 percent reservation roster, Respondent No. 2 has convened a BOO vide their convening order No. 1267/LRS/12-13/Vol-II/739/E1O dated 24 Jan 2016 and amendment issued vide convening order No. 1267/LRS/12-13/Vol-II/742/E1O

dated 02 Jul 2016 to segregate the application of ST candidates applied for the post of Mate (SSK) but not considered in this recruitment being overage due to not earmarked the vacancies for the ST category in the employment Notice. Finally 30 Nos. of over aged ST candidates applications were found fit and recommended by the BOO to issue admit cards for the written examination Scheduled on 18 Sep 2016 (Annexure-II). This exam conducted by the Respondent No.2 for over aged ST candidates only who were not attended said exam earlier conducted on 10 May 2015 due to not existing the vacancies for recruitment of Mate (SSK) in respect of ST candidates separately.

4.1 After receiving final verdict on the above Court cases delivered by the various Hon'ble Courts in favour of UOI as explained at para 4 above and successful completion of all formalities in respect of subject exam held on 19.5.2016 & 16.9.2016 for recruitment of Mate (SSK) respectively in a transparent manner as per policy existing on the subject matter, the respondent no.2 has declared that result of successful candidates as per marks secured by them on merit basis for appointment to the post of Mate (SSK) against LRS 12-13 on 13 May 2017 (Annexure-III). Appointment for the post of Mate (SSK) to the selected candidates on merit basis have already been issued on 22.6.2017 by the competent authority. The respondent No.2 has neither taken any illegal action nor involves any arbitrary action which are against basis recruitment procedure as alleged by the applicant of this OA.

4.2 They further stated that the delay in declaring of result due to bonafide administrative/technical reasons by the competent authority is neither illegal nor arbitrary and contrary to the existing rules. There has been no discrimination by declaring of said result on 13.5.2017 in a transparent manner and it does not tantamount to violation of Articles, 14, 16 and 21 of the Constitution of India.

5. Applicant has not chosen to file any rejoinder to the reply filed by the respondents.

6. The main contention of the counsel for the applicant in this case is with regard to non-declaration of the result of the said exam. Since the respondents have categorically stated in their counter reply that they have declared the result on 13. 5.2017 and successful candidates were directed to report to the respondents' office on specified date along with their original certificates regarding educational, qualifications, technical qualifications, cast/category certificate as per format given in original advertisement and date of birth certificates and any other documents attached with application form for verification of the same by the respondents' office.

7. After hearing the learned counsel for the parties and after having perused the material placed on record, we find that since the respondents have declared the result of the post in question after institution of this OA and successful candidates on merit basis were called for verification of documents, nothing remains to be decided in this matter.

8. In view of the above facts and circumstances of this case, and for the reasons stated above, we dismiss this OA accordingly. There shall be no order as to costs.