

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**ORDER SHEET**

COURT NO. : 3

02/07/2018

M.A./2647/2018

O.A./395/2018

M.A./2018/2018

ITEM NO:38

FOR APPLICANTS(S) Adv. :

MOHAMMED MOHSIN & OTHERS

-V/S-

GOVT. OF NCTD

Sh. Anuj Aggarwal

FOR RESPONDENTS(S) Adv.:

Sh. A.S. Singh for Sh. R.N. Singh

Notes of The Registry	Order of The Tribunal
	<p style="text-align: center;">Heard both the counsels for sometime.</p> <p style="text-align: center;"><b>MA-2647/2018</b> in OA-395/2018 has been filed by applicant No.4 (Sh. Pramanand) under Section-27 of the Administrative Tribunal's Act, 1985 for execution of interim order dated 29.01.2018 passed by the Tribunal in OA-395/2018 whereby this Tribunal directed that:-</p> <p>“In the meantime, it is directed that respondent No.1 will entertain the offline applications (hard copies) from applicants and issue admit card and permit them to participate in the examination/selection process provisionally. Their claims for age relaxation shall be considered by the competent authority. Such participation shall not confer any right or equity in favour of the applicants and will remain submit to any order that may be passed by the Tribunal or the final outcome of this O.A. However, the result of the applicants shall not be declared without the leave of the Tribunal.”</p> <p>The applicant herein (applicant No.4 in OA) duly submitted his offline application form on 30.01.2018 in the DSSSB office, which was duly received by them. Thereafter, vide Notice dated 04.04.2018, DSSSB updated the list of 1470 candidates, who had submitted their application forms in the offline mode on or before 31.01.2018 in term of the aforesaid interim order. It is submitted that in the said notice it was declared by the</p>

DSSSB that application forms of only those 1470 candidates were treated as valid whereas the application forms of remaining candidates were treated as cancelled including that of applicant No.4 herein.

Aggrieved by the said action on the part of the DSSSB in not including his name, the applicant herein made a representation dated 17.04.2018 to the DSSSB. Thereafter, vide notice dated 13.04.2018, DSSSB uploaded another list of 38 candidates (on their website), whose application forms were submitted in the offline mode on or before 31.01.2018. The name of the applicant again did not find place in the said list. Applicant has filed MA-2018/2018 before this Tribunal seeking direction for respondent No.1 to upload his name in the list of eligible candidates.

Being aggrieved by the aforesaid action of the respondents, the applicant also served a Contempt Notice on the respondents on 02.06.2018. It is submitted in the MA that grave prejudice would be caused to the applicant if respondent No.1 DSSSB is not directed to execute the interim direction issued on 29.01.2018 by the Tribunal, qua the applicant, rendering the interim direction in the O.A. infructuous.

The respondents have filed a counter reply on behalf of the respondents to MA-2647/2018. They aver that as per records, the applicant Pramanand S/o Sh. Om Prakash (applicant No. 4 in OA) has submitted his offline application on 31.01.2018 but he has mentioned the OA No. as 888/2018. The said O.A. is titled A.K. Singh Vs. Ministry of Public Grievances & Pensions & Ors., which has got nothing to do with DSSSB. Since the application of Sh. Pramanand mentions an OA No. where DSSSB is not the respondent, hence the relief granted by the Tribunal has been rightly denied to him.

During the course of hearing, the learned counsel for the applicant Sh. Anuj Aggarwal explained that the mistake on part of the applicant was inadvertent and requested that it may be condoned in view of the long term repercussions it is likely to have on the career

prospects of a young person. The learned counsel for the respondents vociferously reiterated the contentions raised in the counter reply to MA.

A perusal of the application filed by the applicant Pramanand confirms that OA No. reflected therein is 888/2018 & not 395/2018, in the context of which the interim order (referred to in para 1) dt. 29.01.2018 has been issued. Further, the post code mentioned by the applicant in his application is 106/17 PGT Eco(Male), whereas in the OA, the post code reflected against the name of Sh. Pramanand is 89/17 for the post of Asstt. Primary Teacher. However, name of father in both cases is Om Prakash, as well as date of birth is 15.12.1976.

The mistakes committed by the applicant are almost unacceptable reflecting a careless attitude. But the fact remains that Sh. Pramanand is also one of the applicants in the OA and comes under the ambit of the benefit granted to the applicants vide interim order dated 29.01.2018. Hence, in the interest of justice and fair play, he cannot be denied the benefit of filing the offline hard copy application, as extended to other applicants in OA. Accordingly, MA is allowed.

The respondents are directed to include the name of Sh. Pramanand (applicant No.4 in OA) in the list of eligible candidates who had submitted their application form in the offline mode on or before 31.01.2018 as notified by DSSSB. However, the applicant is advised to exercise due diligence and care while filling up his applications etc. in future and not expect such indulgence in future.

List the O.A. on 06.08.2018 as already fixed vide order dated 28.03.2018.

( S N TERDAL )  
MEMBER (J)

( PRAVEEN MAHAJAN )  
MEMBER (A)