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SLP(C)No. 10995 OF 2001

ITEM No.54

Court No. 3

SECTION XIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.10995/2001
(From the judgement and order dated 28/03/2001 in OJC 1594/99
of The HIGH COURT OF ORISSA AT CUTTACK)

UNION PUBLIC SERVICE COMMISSION

Petitioner (s)

VERSUS

AJAYA KUMAR DAS & ORS.

Respondent (s)

(With prayer for interim relief and office report)

Date : 10/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. Mukul Rohtagi, ASG
Mr. T V Ratnam, Adv.
Mr. Shreekant N. Terdal, Adv.

For Respondent (s) Mr. Ashok Kumar Panda, Sr. Adv.
Mr. K K Patel, Adv.
Mr. R.P. Wadhvani, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....T.....J.R

Special leave granted.

For the reason stated in the signed order, this
appeal is allowed and the decision of the High Court is
set aside.

(D.P. WALIA)
Court Master

(S.L. GOYAL)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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[arising out of S.L.P.(C) No.10995 of 2001]

Union Public Service Commission ..Appellant(s)

vs.

Ajaya Kumar Das & Ors. ..Respondent(s)

O R D E R@@
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.SP2

Special leave granted.

The respondent was working as an Assistant Audit Officer. In November 1989, he had taken the Subordinate Accounts Service Examination.

An advertisement had appeared whereby for induction to the Audit and Accounts Services Examination, 1995 the eligibility criteria was that a candidate should satisfy the eligibility conditions on 1st January, 1995 one of which was the following condition :

.....L.....I.....T.....T.....T.....T.....T.....J....T.R

.SP1

"(I) SCALE OF PAY AND LENGTH OF SERVICE

The candidates should be holding post in the scale of pay of Rs.2000-3000 or above and should have rendered not less than 5 years regular service after qualifying in the Subordinate Accounts Service or Section Officers' Grade Examination or an equivalent examination conducted by the concerned Department"

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.R

.SP2

Admittedly, the result had been declared in March 1990. Counting from that date, the five years qualifying ...2/-

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period would end in March 1995. Therefore, as on 1st January, 1995, the respondent did not have five years' regular service after qualifying in the Subordinate Accounts Service Examination.

The High Court held that the results which were declared in March 1990 will relate back to the date of the examination in 1989. This, in our opinion is an incorrect proposition of law. There can be no question of relating back. The condition of eligibility was very clear. It had to be five years' service after qualifying as on 1st January, 1995 and in this view we are supported by a decision of this Court in Ashok Kumar Sharma and Others vs. Chander Shekhar@@

