

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 279/2002

This the 8th day of October, 2002

~~

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Mahavir Singh, S/o Late Shri Ram Singh,  
Shivpuri Colony,  
Near Haryana Power House  
Sonepat (Haryana)

... Applicant

(By Advocate: Sh. H.C. Sharma)

Versus

1. National Council of Educational  
Research & Training (N.C.E.R.T.)  
through its Director  
Aurbindo Marg,  
New Delhi.

2. U.O.I. through  
Secretary (Education)  
Ministry of Human Resource Development  
(HRD) Shastri Bhawan  
New Delhi.

... Respondents

(By Advocate: Sh. Saurabh Chaurhan for Resp. 1)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

This OA has been filed by the applicant as he has a grievance that his request for resumption of duty which was discontinued by respondents has been turned down vide impugned order dated 6.10.2000.

2. The facts of the case are that the applicant was appointed as LDC on compassionate grounds w.e.f. 6.9.95. However his services were discontinued w.e.f. 26.9.95 without any show cause notice. On an enquiry applicant was informed that a criminal case under Section 323 read with Section 325/34 IPC was pending against him. It is further stated that it was pointed out to him that he will be reinstated if he is acquitted by the criminal court. Applicant further stated that he was acquitted by the criminal court on 6.12.98 but respondents informed the applicant under Rule 11 of the CCS

Hm

68

(X)

Rules that furnishing false information and supressing facts he can be allowed to join duty. dislocation. On being acquitted applicant submitted his request for resumption of duties. He was given attestation forms which is submitted on 20.10.99 but he was informed that his request would be processed if any vacancy of IDC becomes available and finally request of the applicant was rejected vide impugned order dated 6.10.2000.

3. Applicant filed an OA which was dismissed for lack of jurisdiction of this Court. Then he filed a writ petition before the Hon'ble High Court but it was again dismissed for lack of jurisdiction. Now the DOPT has issued notification on 4.1.2002 bringing Resp. No.1, i.e., N.C.E.R.T. under the jurisdiction of this Tribunal and since on acquittal the applicant is entitled for appointment. So he should be allowed to resume his duties.

4. Respondents are contesting the OA. Respondents pleaded in their reply that the applicant had obtained appointment on compassionate grounds by not only falsely declaring and not disclosing about registration of FIR against him and his involvement in a criminal case, but when confronted with it, he even illegally managed to have false and incorrect clearance reports from SHO, PS, Narela and the office of the DCP, North-west District, Delhi. Thus, the application deserves to be dismissed in limini.

5. It is submitted that the applicant did not disclose the information regarding his involvement in the criminal case deliberately. It is denied that the applicant was assured that he be reinstated if he is acquitted by the court.

km

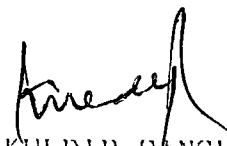
6. I have heard the learned counsel for the parties and gone through the record.

7. The fact that the applicant was given an appointment as LDC on 6.9.95 is not disputed. However, it is admitted by the applicant that he was in fact involved in a criminal case under Section 323/325/34 IPC which he had not informed to the respondents. Thus, the applicant is guilty of concealing/withholding of the vital information regarding his antecedents. Though the applicant also pleads that he had earlier filed an OA-2130/99 which was withdrawn for lack of jurisdiction. Thereafter he filed a writ petition before the Hon'ble High Court which was dismissed on 20.7.2001. Applicant claims that the same was dismissed for lack of jurisdiction. However, applicant further informs that the DOPT has issued notification on 4.1.2002 bringing Resp. No.1, N.C.H.R.T. in the jurisdiction of this Tribunal. Thus, i.e., N.C.H.R.T. when the writ petition of the applicant was dismissed on 20.7.2001 it is only the High Court which was the Court of competent jurisdiction to decide the CW. It appears that the applicant has intentionally not placed the orders of the Hon'ble High Court dismissing the petition of the applicant for lack of jurisdiction.

8. Respondents has also alleged that the applicant had even manoeuvred report from the SHO P.S. Narela for antecedents also. Thus, it appears that applicant has not come to the Court with clean hands. He is playing hide and seek. There is nothing on record to show that the High Court had no jurisdiction when the writ petition was dismissed. Now since the request of the applicant for rejoining has been rejected by the competent authority on the ground that he had been

h  
m

submitting false information to the department as pleaded by the respondents in their reply I find there is no ground to interfere in the impugned order. As such the OA is dismissed.

  
( KULDIP SINGH )  
Member (J)

'sd'