

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3252/2001

Wednesday, this the 5th day of December, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (Admn)

Ali Abbas
S/O Shri Nathu
A-3 Aman Apartments
Sector 13
Plot No.39, Rohini
Delhi-85.

..Applicant

(By Advocate: Shri K.B.S.Rajan)

Versus

1. The Union of India through
Chairman, Railway Board
Rail Bhavan
Rafi Marg, New Delhi-11
2. The Chief Personnel Officer
Western Railway HQ Office
Churchgatge, Mumbai- 400 020.

..Respondents

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi:

Heard the learned counsel for the applicant.

2. An offer of appointment to the post of Assistant Station Master in the Western Railways was issued to the applicant on 8.1.2001 in the wake of his success in the relevant competitive examination. The requisite indemnity bond was furnished by him thereafter in the manner required. An attestation form was also supplied by the applicant on 16.1.2001. In the said attestation form, the applicant had clearly indicated the pendency of a criminal case in which he was involved. The said criminal case relates to an offence under Section 279/337 IPC. He was found fit in the medical examination. After this stage, the applicant was to be sent up for training along with the others of his batch. This has not been done although

(3)

(2)

4. Different batches have since been sent up for training. Since his future seemed uncertain, the applicant filed representations on 26.7.2001 (Annexure A-5) and 31.10.2001 (Annexure A-7). These have not been replied to. On personal enquiry, the applicant was told that in view of the pending criminal case the matter has been referred to the Department of Law.

3. The learned counsel appearing on behalf of the applicant submits that the respondents have, without proper justification, withheld the applicant's candidature for training and have not even cared to respond to the representations filed by him. According to him, about 22 persons selected in the same batch are yet to be sent up for training. The learned counsel, in support of the applicant's claim, places reliance on the order passed by this Tribunal on 19.12.1989 in Girish Bhardwaj Versus Union of India & Ors. reported as (1990) 13 ATC 178 in which it has been held as follows:-

"13..., we are of the opinion that depriving an opportunity to enter government service on the ground of pendency of the criminal case against the applicant will cause irreparable injury to him which cannot in any way be compensated later on when the decision of the criminal court is available to the respondents or when it becomes final and binding on the parties after rounds of litigation in higher courts."

In view of the aforesaid order passed by the D.B. of this Tribunal, ^{& according to him,} the applicant's case for training should be considered without further loss of time.)

(3)

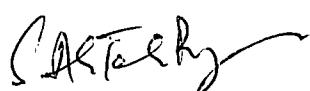
(A)

4. We have considered the submissions made by the learned counsel and find that the ends of justice will be duly met in the present case by disposing of this OA at this very stage even without issuing notices with a direction to the respondents to consider the aforesaid representations made by the applicant and pass a detailed, reasoned and a speaking order thereon expeditiously. The contents of the present OA will also be taken into account by the respondent-authority before passing the aforesaid order. We direct accordingly.

5. Having regard to the submissions made by the learned counsel and the decision rendered by this Tribunal in Girish Bhardwaj's case (supra), we are also inclined to direct the respondents to send the applicant for training in the next batch unless orders as above are passed by them before the next batch is sent for training. The training aforesaid will be given on a provisional basis and the same will be subject to the orders to be passed by the respondents as above. In the event of orders to be passed being adverse to the applicant, the training will not be disturbed until six weeks have elapsed thereafter.

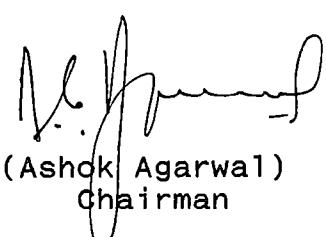
6. The present OA is disposed of in the aforesated terms at the admission stage itself. No costs.

Issue Dasti.



(S.A.T. Rizvi)
Member (A)

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(Ashok Agarwal)
Chairman