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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1) O.A.No.1853/97

New Delhi: this the 18th day of March, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

Shri V. D. Sharma,

s/o Shri Hari Shanker Sharma,

C/o B.P. Bhardwaj,

25, Mal Road, Station Canteen,

Delhi Cantt. 010.

.... Applicant.

(By Advocate: Shri T. D. Yadav).

Versus

Union of India through

1. Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.
2. The Director,
Directorate of Field publicity,
East Block IV, Level III,
R. K. Puram,
New Delhi - 066
3. The Joint Director,
Directorate of Field publicity,
Regional Office,
Itanagar (Ar. Pradesh) ... Respondents.

(By Advocate: Shri K. C. D. Gangwani)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' office order dated 17.7.97 (Annexure-A).

2. Applicant received an offer of appointment dated 14.5.97 (Annexure-B) on the temporary post of FPA which was subject inter alia to production of a 35 mm Cinema Operator's licence, along with other certificates.

3. Applicant submitted a copy of a permit for operating Cinema Equipment said to have been

issued on 26.4.97 in Kashipur, UP, but attested in Itanagar, Assam on the same date. Respondents had doubts about the authenticity of this permit as to how a permit issued in Kashipur on 26.4.97 could be received and attested at Itanagar on the same date. By order dated 26.5.97 (Annexure-A) the appointment offer was kept in abeyance till further orders and was thereafter withdrawn by impugned order dated 17.7.97. Meanwhile applicant was pressing for the appointment orders (Annexure-D and E). Thereafter upon obtaining legal advice that an opportunity should be given to applicant to establish the authenticity of the permit furnished by him, respondents issued office order dated 20.11.97. Applicant however took the stand vide his letter dated 8.12.97 (Annexure-RA-1) that the matter was subjudice in CAT, New Delhi and any reply would be contravention of AT Act. He stated further that respondents themselves could verify the authenticity of the permit in question from the Cinematographic Licensing Authority. Thereupon, as no satisfactory response had been received by respondents asking applicant to establish the authenticity of the permit produced by him while applying for the post, respondents issued Memo dated 31.3.98 informing applicant that he had no right to stake his claim to the post.

4. We have heard applicant's counsel Shri T.D. Yadav and respondents' counsel Shri K.C.D. Gangwani.

5. Shri Gangwani has raised the preliminary objection of jurisdiction, pointing out that the cause of action arose in Itanagar, Assam, which is outside the Principal Bench's jurisdiction. That

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apart , even on merits we find that the order dated 14.5.97 was merely an offer of appointment and the actual appointment was subject to applicant satisfying respondents that he possessed a valid 35 mm Cinema Operator's License. Para 4 of that appointment offer made it clear that if any information furnished or declaration given by the candidate was proved to be false or if the candidate was found to have wilfully suppressed any material information he was liable to removal from service. It was for applicant to satisfy the authorities of the authenticity of the permit furnished by him, and if applicant failed to do so, it cannot be said that respondents acted illegally, irregularly or improperly in withdrawing the offer which warrants judicial interference.

6. The case of Ratipal Saroj Vs. UI & Ors. - 1992(1) ATJ 141 relied upon by Shri Yadav is distinguishable on facts from the present one, in as much as that applicant was already in service when he appeared and succeeded in the Central Civil Services Exam. held in 1985 and there was no evidence that he was even aware of the allegation against him or had knowingly concealed material facts. Hence that case does not help the applicant.

7. The OA is therefore dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

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