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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

NEW DELHI

Original Application No. 1530 of 1987

Ashok Kumar ..... Applicant

Versus

Union of India and Others .... Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. S.R. Adiga, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was qualified in the Stenographer's examination in the year 1984 and was recommended for the said post and appointed as Group 'D' Stenographer in the Central Secretariat Stenographers Service Cadre, Ministry of Information and Broadcasting on the result of group 'D' Stenographer examination which took place in the year 1984. It appears that a character certificate was also submitted by the applicant on 23.12.85 and made representations for getting service on October 1985 but he was reallocated by the Government of Education Ministry vide letter dated 18.11.85 without any act on the part of the applicant.

2. The applicant's grievance is that the others who were also qualified but were given appointment on 16.8.85 and 29.1.86 and joined the same. However one of them was involved in a criminal case in which the applicant has involved and the

applicant has been discriminated and the appointment has been given to Mukesh Kumar and similarly to Arjun Singh who also qualified in the same was given appointment on 23.9.85 in the Ministry of Information without any verification. It appears that the criminal case was pending against the applicant and the applicant was also given life imprisonment by the Punjab and Haryana High Court but he was acquitted vide order dated 18.5.82 i.e. much before he qualified for the Stenographer's examination. The S.L.P filed by the Government was also dismissed on the grounds of limitation in the year 1987. As the applicant failed to get any appointment ultimately he approached this Tribunal praying that he may be deemed to be appointed from the date of his selection i.e. 8.8.85 and arrears of pay with due seniority may also be given to him from the date of his selection.

3. The respondents have opposed the application and apart from raising the plea of the limitation and jurisdiction have stated that all the accused persons including the applicant were acquitted and benefit of doubt was given to them and fine was also ordered to be refunded and the ministry of Information and Broad Casting took initiative action to verify his character from the concerned authorities, the department of Personnel and training who recommended into the department of education and that according to the attestation for the applicant was passed by the department of education by the Ministry of Information and Broad Casting for further proceeding. Regarding Arjun Singh

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it has been stated that after going through the attestation it was found that he was not mentioned any such facts that he was involved in murder case in which the applicant was involved. Even if it would be so, it would amount to suppression to any material facts. These facts make it clear that Mukesh Kumar was one of those but the appointment has been given to him. It appears that the applicant was acquitted as has been stated by him or even given benefit of doubt and the fine was refunded to him much before his selection. Even this fact was not mentioned by him that it could not have received any way of getting appointment letter more so when appointment has been given to other persons it was not the case of the state government department also. The notice of SLP was issued to the applicant and the SLP itself has filed in 1987 much after the expiry of period of limitation. There being no case pending against the applicant and if that fact was not mentioned on this ground that the appointment letter could not have been given and incase the same was issued to another person and accordingly, the respondents are directed to verify the antecedents and cause of discrimination to Mukesh Kumar. The verification may also be done without doing any discrimination within another three months and if there is nothing wrong and incase it did not worst than that of Mukesh Kumar there appears to be no reason as to why his case for appointment will not be considered and incase no discrimination arise


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and his case is better than that of Mukesh Kumar similar appointment letter may be issued to him and the respondents will also consider whether it should be effected with effect from the date of the appointment of Mukesh Kumar. No order as to costs.

  
Member (A)

  
Vice Chairman

Dated: 17.3.1993

(Uv)