

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

OA / TA / TA / CCP No. _____ 19 _____

APPLICANT (S)

COUNSEL

VERSUS

RESPONDENT (S)

COUNSEL

Date	Office Report	Orders
	<p><u>26/8/94</u></p>	<p><u>OA 1385/90.</u></p> <p>Judgement pronounced to-day.</p> <p>Pr Pr</p>

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1385/90

New Delhi, 26.8.1994

CORAM :

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

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

Hari Dass S/O Shri Khare,
R/O Vill. & P.O. Markuaan,
Distt. Jhansi, now at D-32,
Rouse Avenue, Minto Road,
New Delhi.

... Applicant

By Advocate Shri H. P. Chakravorty

Versus

1. Union of India through the
Secretary, Min. of Railways,
Rail Bhawan, New Delhi.
2. The General Manager,
Central Railway,
Bombay VT.
3. The Chief Workshop Manager,
Central Railway Workshop,
Jhansi.

... Respondents

By Advocate Shri ^{H.K.} *Gangotri* M

ORDER

Shri S. R. Adige :-

This application filed by Shri Hari Dass is directed against the denial of appointment vide order dated 17.4.1990 by respondent No.3 for the post of Apprentice Mechanic/Chargeman in the grade of Rs.1400-2300/-.

- who
2. The applicant/^{who}secured Diploma in Mechanical Engineering applied for the post of Apprentice Mechanic/Chargeman in grade Rs.1400-2300 against the employment notice of the Railway Service Commission, Bombay. He claims that he was placed in the panel at

sl. No. 233 against 251 vacancies invited. He alleges that he was falsely implicated in a murder case along with his other family members which culminated in his conviction at the time when he was offered appointment, and verification forms had been submitted by him. However, he was asked to furnish details and progress of the case vide order dated 21.5.1988. Upon complying with the same, he was thereafter intimated that until he was acquitted by the appellate court, he could not be engaged, vide letter dated 6.6.1985 (Ann. A-6). Eventually he was acquitted by the Allahabad High Court vide judgment dated 2.11.1989 (Ann. A-7) upon which he represented for being appointed on 14.12.1989 (Ann. A-8). The applicant claims that respondent No.3 referred the case to the Chief Personnel Officer (Mech.) Bombay VT. on 22.12.1989 (Ann. A-9) but without receiving any instructions from him, on 7.4.1990 he turned down the claim of the applicant for appointment as Apprentice Mechanical/Chargeman.

3. The respondents have resisted the applicant's claim and have pointed out that the applicant could not be appointed because his character ^{and} antecedents were found unfavourable on being got verified by the competent authority. They have also pointed out that simply because the applicant was selected and placed in the panel is no guarantee that he must be appointed.

4. It is well settled that mere placement in a panel does not give any person an enforceable right to be appointed. It is no doubt true that by letter dated 6.6.1985 the applicant had been informed that the question of his engagement could be considered only

after he had been acquitted by the appellate court, and he did secure an acquittal by the Allahabad High Court. Thereafter, the respondents did consider engaging him, but taking into account the over all circumstances, they did not consider him fit for being granted public employment.

5. If after giving due consideration to the applicant's case, the respondents, having regard to the applicant's character and antecedents upon verification by the competent authority, have concluded that the applicant is not a fit person to be granted public employment, it cannot be said that they have discriminated against him, or acted arbitrarily or in violation of Articles 14 and 16 of the Constitution.

6. In the result, we see no good grounds to interfere in this matter, and this application is dismissed.
No costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
Member (J)

S. R. Adige
(S. R. Adige)
Member (A)

/as/