

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.357/94 IN
O.A.1385/90

NEW DELHI THIS THE 17th DAY OF NOVEMBER, 1994.

HON'BLE SHRI S.R. ADIGE, MEMBER (A)
HON'BLE MRS LAKSHMI SWAMINATHAN, MEMBER (J)

Hari Dass S/o Shri Khare,
R/o Vill. & P.O. Markuaan,
Rouse Avenue, Minto Road,
NEW DELHI

....Applicant

(By Advocate : None)

VERSUS

1. Union of India, through the
Secretary,
Ministry of Railways,
Rail Bhavan,
New Delhi.

2. The General Manager,
Central Railway,
Bombay VT.

3. The Chief Workshop Manager,
Central Railway Workshop,
Jhansi.

...Respondents

(By Advocate : None)

*ORDER
in REHEARING (By Circulation)*

Hon'ble Shri S.R. Adige, Member (A)

In this petition dt 11.10.94 bearing No. 357/94, Shri Hari Dass has prayed for review of judgement dated 26.8.94 in O.A. No.1385/90, Hari Dass Vs Union of India & Others.

2. The applicant who secured a diploma in Mechanical Engineering had applied for the post of Apprentice Mechanic/Chargeman and was placed in the panel at Sr.No.233 against 251 vacancies invited. He was convicted in

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a murder case at about the time when he was offered appointment and the verification forms had been submitted to him and hence no appointment letter was issued to him. He appealed against that conviction and meanwhile he was asked by the authorities to furnish details and progress of the appeal. Eventually he was informed/ until he ^{was} acquitted by the Appellate Court he could not be engaged. Subsequently, the applicant was acquitted by the Allahabad High Court on 2.1.89. The applicant then represented for being appointed, but his representation was turned down, against which the applicant has filed O.A.No.1385/90.

3. The respondents have taken the stand that the applicant had become over-aged for appointment, and upon verification by the competent authority his character & antecedents were not found suitable for government employment.

4. The 'O.A.' was dismissed on the ground that mere placement in a panel did not give any person an enforceable right to be appointed. It was not no doubt true that by letter dated 6.6.85 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 overall circumstances, including the applicant's character & antecedents which had been verified by the competent

authority, the respondents had concluded that the applicant was not a fit person to be granted public employment, and that being the position, it could not be said that he had been discriminated against, or that the respondents had ^{acted} arbitrarily or in violation of Article 14 & 16 of the constitution.

5. In the Review Application it has been contended that once it has been conveyed to the applicant that he could not be engaged in Railway Service, unless acquitted by the Allahabad High Court, the Respondents were estopped from denying him appointment on his being acquitted, particularly as there was nothing against him warranting his cancellation of appointment. It has been urged that involvement in a criminal case does not render a person ineligible for appointment. It has also been urged that in S. Govinda Raju SRTC & Ors Vs 1986 S.C.C. L&S 520, the Hon'ble Supreme Court has held "once a candidate is selected and his name is included in the select list for appointment, in accordance with regulations, he gets a right to be considered for appointment as and when vacancies arise."

6. As stated above, the applicant was merely placed in a panel for appointment against vacancies. At about the time he was considered for appointment from the panel, he stood convicted in a murder case, and hence no appointment letter was issued to him. No doubt he was

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, upon which the respondents did consider engaging him. Upon verification by the Competent Authority, however, it was found that his character and antecedents were not such as to consider him fit for public employment. Thus after his acquittal, the respondents did give his case due consideration. S. Govinda Raju case (Supra) cited by the applicant also states that once a candidate is selected, he gets a right to be considered for appointment, and the applicant in the present case was considered but the xxxx respondents did not find him fit for public employment, in the background of his character and antecedents. Hence no ground for review arises.

7. This Review Application is, therefore, rejected.


(Lakshmi Swaminathan)

Member (J)


(S.R. Adige)

Member (A)

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