## CENTRAL ADMINISTRATIVE TRIBUNAL
## ALLAHABAD BENCH
## ALLAHABAD

### Original Application No. 1418 of 2001

Friday, this the **16**th day of **March,** 2007

### Hon'ble Mr. Justice Khem Karan, V.C.

Smt. Chhaya Joshi W/o Late P.C. Joshi, R/o 77/4, A-1, Gandhi Gram, District Kanpur Nagar.

**Applicant**

### Advocate Sri K.C. Shukla

### Versus

1.  Union of India through its Secretary, Ministry of Defence, Government of India.

2.  Chief of Air Staff, Air Head Quarter, Vayu Bhawan, New Delhi-110011.

3.  Air Officer Commanding in Chief, Head Quarter, Maintains Commands, Indian Air Force, Nagpur-440007.

4.  Commanding Officer, 4 Base Repair Depot, Air Force, Chakeri, Kanpur-209008.

**Respondents**

### By Advocate Sri V.V. Misra

### ORDER

### By Justice Khem Karan, V.C.

The applicant-Smt. Chhaya Joshi has filed this O.A. for quashing the impugned order dated 03/07/2001 and 08/09/2001 (annexure-2 and 4) by which the authorities concerned declined to issue appointment letter to her on the ground that she did commit some misconduct as Counter Clerk at Air Force Gas Agency at 402 Air Force Station. She has also prayed that the respondents be directed to treat the applicant in service on the post of Lower Division Clerk from March 1997 and to give salary and other consequential benefits.
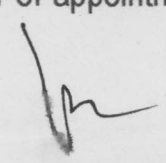
2.    The applicant's case in brief is that on the death of her husband, who was employee of the respondents, she moved application for compassionate appointment and the same was processed. It is said that as a measure of interim immediate relief, she was given the appointment against Class IV post in Air Force Gas service, Chakeri, Kanpur. It is said that ultimately her request for appointment in Group 'C' on compassionate ground yielded result so much so she was informed that a decision had been taken to give her appointment but before she could receive the appointment letter from the authority's concerned, she was served with an Order dated 03.07.2001 (annexure-1) whereby the offer of appointment was kept in abeyance as there was complaint against her of mal practice, while working as Counter Clerk at Air Force Gas Agency. She has, therefore, come to this Tribunal.

3.    The main ground taken by the applicant is that the allegation of mal-practice referred to in the impugned letters are totally ill-founded and the same could not have been sufficient for canceling the appointment letter or for putting the appointment in abeyance. She says that there is no F.I.R. at all with regard to the mal practice referred to in the impugned order and it has wrongly been mentioned that a criminal case has been lodged with Police Station, Chakeri.

4.    The respondents have filed the reply contesting the claim of the applicant. They have stated that there were serious allegations against the applicant that she was involved in mal-practice, while working at 402 Air Force Station, Kanpur and so, the respondents were fully justified in cancelling the appointment of the applicant. They have tried to give the details with which we are not concerned at present. It was after inquiry that the decision was taken to cancel the appointment and in that inquiry, the applicant was also given an opportunity of hearing and nothing has been shown as to how that inquiry is vitiated.

5.    The Tribunal is of the view that the employer and in this case the respondents were fully justified in cancelling the offer of appointment before

the same was accepted by the applicant on the ground that there were serious allegations of mal-practice having been committed by her while working as Counter Clerk at Air Force Gas Agency. In normal course, the Government tries to know the antecedents of the candidate so as to decide it whether the appointment should be offered or not and if it comes to know that the candidate has no good antecedents, it is difficult to say that cancellation of offer of appointment before acceptance, will be bad.

6.      In view of the above discussion, we find no merit in the O.A. which is accordingly dismissed with no order as to cost.

16.3.07

**Vice Chairman**

/M.M./