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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL-ALLAHABAD BENCH-ALLAHABAD.

T.A. 485 of 1987.

Jog Lal..... Applicant.

Versus

Union of India and others..... Respondents.

Hon'ble Mr. Justice U.C.Srivastava - V.C.  
Hon'ble Mr. K. Obayya - A.M.

(By Hon'ble Mr. Justice U.C.Srivastava- V.C.)

This transferred Civil case has been received under Section 29 of Administrative Tribunals Act.

2. The applicant was appointed as part time Chaukidar at T.M.O. office Varansi under Sub Record Office Cantt, on 25.1.1975. ~~Some~~ After six years service, his services were abruptly terminated and according to the applicant a recruitment test took place in which he appeared and he also was successful in the examination. Yet he was not given appointment, while others were appointed and he was told that for want of verification of service particulars his appointment could not be made, and after waiting for considerable period the applicant gave a notice under Sec. 80 of the Civil Procedure Code and thereafter filed a suit in the court of Munsif for declaration that being duly selected employee, the defendants ~~be~~ directed to recognize applicants status as duly selected ~~and~~ candidates be permitted to join the post with all consequential benefits. In reply the respondents have stated that because of ~~any~~ the certain reports against him, of theft was lodged and i.e. why his appointment was cancelled. Undoubtedly the applicant was only ~~and he has~~ selected ~~of his~~ no right to the post and he could not ~~be~~ expected to be appointed when once there was some charges against him. He should have been given an opportunity to explain his case and as such that was not done. The respondents are directed to take explanation from the applicant and in case they are satisfied from the explanation and the ~~from~~ report and police report otherwise it is found that ~~of course~~ complaint against the applicant who was not prosecuted in the criminal court is not correct, the respondents

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will ~~not~~ consider ~~for~~ giving him appointment in view of the fact that he has already been selected. The application shall stand disposed off, finally.

*R. B. Venkateswara*  
Member (A)

*U*  
Vice Chairman.

Dt: 21-2-92.