

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

ORIGINAL APPLICATION NO. 437 OF 1999
Cuttack this the 26th day of April 2000

Arjun Rout

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? 45 -
2. Whether it be circulated to all the Benches of the N.C.A.T. or not ?

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
8612000

26-4-2000
(G. NARASIMHAM)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 437 OF 1999
Cuttack this the 26th day of April 2000

CORAM:

THE HON'BLE SHRI SOMNATH SON VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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Sri Arjun Rout
aged about 50 years
S/o. Gunduchi Rout
At present working as E.D.D.A. & B.P.M. T/c.
Narayanipada B.O. Begunia S.O.
Dist: Khurda

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Applicant

By the Advocates : M/s.P.V.Ramdas
P.V.B.Rao

-Versus-

1. Union of India represented
by the Chief Post Master General
Orissa Circle
Bhubaneswar-751001
2. Senior Superintendent of Post Offices
Puri Division
Puri - 752 001
3. Asst.Superintendent of
Post Offices T/c., Khurda Sub-Division
Khurda - 752 055

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Respondents

By the Advocates : Mr.A.K.Bose
Sr.Standing Counsel
(Central)

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ORDER

MR.G.NARASTHAM MEMBER(JUDICIAL): Applicant who is E.D.D.A. of Narayanipada B.O. since 24.12.1980 has been in charge of E.D.B.P.M. of that office since 21.4.1999 in addition to his own duty under orders of Respondent No.3(Annexure-1). He is a Matriculate having adequate means of livelihood and a resident of the post village.

2. In this application praying for quashing notification dated 12.8.1999(Annexure-1) of Respondent No.2 inviting applications for filling up of this post of E.D.B.P.M. and for issue of direction to the respondents to consider him for appointment to that post the case of the applicant is that Respondent No.2 in letter dated 11.2.1999(Annexure-2) sent a blank application Form to him to fill up the same for appointment to this post of E.D.B.P.M. along with the required document in has mentioned therein. Accordingly he duly filled the form and sent it to Respondent No.2 along with required documents on 1.3.1999(Annexure-3). In response to this Respondent No.3 in letter dated 19.5.1999(Annexure-4) directed him to attend his office on 24.5.1999 along with original documents for verification and also with medical certificate that he is free from leprosy because of a complaint received from the public. The applicant then submitted the required medical certificate(Annexure-5) of the Medical Officer of P.H.C. Despite this Annexure-6 dated 12.8.1999 has been issued inviting applications. It is urged by the applicant that by sending blank application form under Annexure-2 with an instruction to fill up the same and to submit required documents, the Department had generated a legitimate expectation in him.

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that he would be appointed to that ^{post} by virtue of his qualifications and longstanding experience as E.D.D.A.

3. The Department in their counter state that the applicant furnished wrong information Col. No.4(d) of the application form(Annexure-R/1) sent along with Annexure-2. This relevant column requires particulars as to whether the applicant is involved in any criminal case. Though applicant answered no the investigation revealed that he was in fact involved in G.R.Case No.765 of 1993 under Sections 454/418/294/506/34 I.P.C. in the Court of S.D.J.M. Khurda (Annexure-R/2) which is still pending. Since the applicant deliberately suppressed the information and furnished false information he was not considered for appointment to this post. For this reason Annexure-6 notification inviting applications was issued.

4. No rejoinder has been filed by the applicant.

5. We have heard Shri P.V.Ramdas, learned counsel for the applicant and Shri A.K.Bose, learned Sr.Standing Counsel appearing for the respondents. Also perused the records.

6. There is no dispute that this applicant is an accused in the aforesaid G.R.Case involving even serious offence like Section 454 T.P.C. This case is still pending and the certified copy of ordersheet dated 4.11.1993 in record reveals that on that day applicant along with other accused persons appeared in Court. In other words applicant was very much aware with regard to pendency of this case against him by the date he filled up application form (Annexure-R/1). Thus he deliberately suppressed this vital information in that application

form and on the contrary he gave a false statement that he was not involved in any ~~original~~^{criminal} case. Hence in our view the Department was not legally unjustified in not considering him for this post and plea on legitimate expectation fails.

7. In the result the applicant is not entitled to any of the reliefs sought for. The application is dismissed. The interim stay granted stands vacated. There shall be no order as to costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
20.4.2010

26.4.2010
(G. NARASIMHAM)
MEMBER (JUDICIAL)

B.K. SAHOO