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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

O.A.NO. 20 OF 2006
Cuttack, this the 24th day of August 2007

CORAM:

HON'BLE SHRI N.D.RAGHAVAN, VICE-CHAIRMAN
AND

HON'BLE SHRI P.K.CHATTERJI, ADMINISTRATIVE MEMBER

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Ananda Chandra Dash, a ged about 27 years, son of Muralidhar Dash, At-Uparbasta, P.O.Bhimapur
and Padanpur, Via-Jatni, District Khurda Applicant

Advocates for applicant - M/s G.A.R.Dora & G.Rani Dora

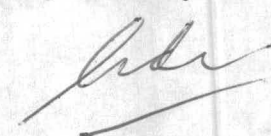
Vrs.

1. Union of India, represented through its General Manager, East Coast Railway,
Chandrasekharpur, Bhubaneswar 751 014, Dist.Khurda.
 2. Divisional Railway Manager, Khurda Road Division, East Coast Railways,
At/PO/P.S/Dist.Khurda 752050 Respondents
- Advocate for Respondents - Mr.R.C.Rath

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ORDER

SHRI N.D.RAGHAVAN, VICE-CHAIRMAN

Brief facts of the case of the applicant are that in response to Employment Notice No.1/98, dated 5.11.1998, issued by the South Eastern Railway (now East Coast Railway) he applied for recruitment to Group-D post, appeared at the Physical Test and Written Test, and was called for verification of the documents/testimonials, after which he was provisionally empanelled for appointment to the post of Gangman in Engineering Department along with others. According to the applicant, offers of appointment have already been issued to other candidates whereas the issuance of offer of appointment to him has been withheld on a misconceived ground of initiation of a criminal case on the FIR lodged by a member of his family in the year 1991

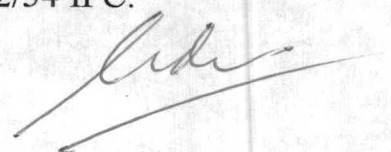


relating to a dispute over a plot of land when he was aged 13 years only. The applicant has submitted that the Respondents have acted arbitrarily and unreasonably in withholding his appointment to the post on account of the pending criminal case which arose out of a family dispute in the year 1991, although he has a fair chance of acquittal therein. Therefore, the applicant has filed this O.A. for the following relief:

- “(a) Direct the Respondents to give appointment to the Applicant in Group D post immediately with consequential benefits;
- (b) Issue any other order/direction which would afford complete relief to the Applicant.”

2. The Respondents have filed a detailed counter in which they have not disputed the applicant's selection and provisional empanelment for appointment to Group-D post along with others. But the Respondents have stated that before issuance of the offer of appointment to the applicant, on the advice of the Chief Personnel Officer, East Coast Railway, Bhubaneswar, contained in his letter dated 9.8.2005 not to issue offer of appointment until police verification report was called for, a reference was made by the Respondents to the Inspector-In-Charge, Jatni Police Station requesting for such report. In response thereto, the Inspector-In-Charge, Jatni P.S., in his letter addressed to the Superintendent of Police, Bhubaneswar, copy of which was forwarded to the Respondents, reported that the applicant was involved in the following criminal cases:

- (i) Jatni P.S. Case No. 221/99, u/s 147/148/323/294/34 IPC;
- (ii) Jatni P.S. Case No. 126/93 u/s 427/341/323/294/506 IPC;
- (iii) Jatni P.S. Case No. 139/95 u/s 448/323/294/506 IPC;
- (iv) Jatni P.S. Case No. 174/96 u/s 452/354/294/323/427/506 IPC; and
- (v) Jatni P.S. Case No. 91/01 u/s 447/294/232/34 IPC.



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The Respondents have also stated that upon a further reference being made by them, vide letter dated 23.09.2005, to the Superintendent of Police, Bhubaneswar to verify the antecedents of the applicant and furnish a report, the said Superintendent of Police by his Confidential Letter No.1380/DIB dated 18.01.2006 replied that the character and antecedents of the applicants were under verification which would be sent after such verification was over. The Respondents have stated that no clearance has yet been received from the Superintendent of Police, Bhubaneswar.

3. No rejoinder has been filed by the applicant controverting the statements made by the Respondents in their counter.

4. We have perused the pleadings of the parties and heard the learned counsels for the parties.

5. From the statements made by the Respondents in their counter, which have not been disputed by any rejoinder of the applicant, it appears that the character and conduct of the applicant are not good and that further verification by the Superintendent of Police is going on. The Respondents have also stated that they are yet to receive clearance from the Superintendent of Police so as to proceed further in the matter of issuance of offer of appointment to the applicant.

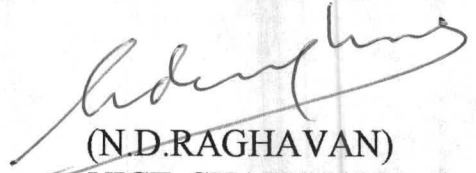
6. However, we find from the counter that the Superintendent of Police, Bhubaneswar, by his letter dated 18.01.2006, intimated the Respondents that the character and antecedents of the applicant were under verification which would be sent after such verification was over. More than one and a half year has passed in the meantime. The Respondents have not disclosed in their counter filed on 19.3.2007 as to whether they took any further steps in the matter after January 2006.

[Signature]

when they received the letter dated 18.1.2006 from the Superintendent of Police, Bhubaneswar. The verification by the police about the character and antecedents of the applicant might have been over by now. If the same is not yet over, the Respondents shall approach the Superintendent of Police, Bhubaneswar, for the completion of the verification and getting such report within a period of three months from the date of receipt of copy of this order and thereafter decide in accordance with law as to whether or not to issue the offer of appointment to the applicant.

7. In the result, the Original Application is disposed of with the above directions. No costs.


(P.K.CHATTERJI)
ADMINISTRATIVE MEMBER


(N.D.RAGHAVAN)
VICE-CHAIRMAN