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O.A. No. 420 of 2006

Order dated: 07.02.2008

CORAM:

Hon'ble Dr.K.B.S.Rajan, Member (J)  
Hon'ble Shri C.R.Mohapatra, Member (A)

Heard Mr. S.K.Das, Ld. Counsel for the Applicant and Mr. B.K.Mohapatra, Ld. A.S.C. for the Respondents.

The applicant has been an aspirant for the post of Chief Vigilance Officer in the Vishakhapatnam Port Trust and by O.M. dated 13.12.2005, he has been offered the post on deputation basis. However, he has not so far been relieved by the Respondents on the ground that the applicant has been kept in the Agreed List prepared in 2003.

It is averred in the counter that the work of those officers who are enlisted in the Agreed List is monitored closely as are their style of living, assets and financial resources. Adverse or punitive action is taken only if adequate material is collected to conclude with reasonable certainty that the officer lacks in integrity. According to the Respondents, in the present case no adverse or punitive action has been taken so far.

Counsel for the applicant submits that when it is clearly specified in the counter that there has been no adverse or punitive action taken against the officer, there is no good ground to deny him permission to take up the post of

 CVO.

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Counsel for the Respondents, on the other hand, submits that in similar fact and circumstances recently DoPT has cancelled the offer of appointment for central deputation of one IRS <sup>officer</sup> when it was brought to their notice that the name of the officer has been included in the Agreed List.

Arguments were heard and documents perused. In all expectations, CVC's initial recommendation would have been obtained at one stage or the other and if the Respondents feel that the officer should not be permitted, it is advisable that the fresh opinion of the CVC be obtained. In addition, as per the counsel for the Respondents, it is not exactly known whether the offer dated 30.12.2005 is still current. If, by any chance, it has been cancelled, no purpose would be served in pursuing the matter.

In view of the above, this O.A. is disposed of with direction to the Respondents:

- (a) to ascertain in the first instance as to the currency of O.M. dated 30.12.2005, and if it is current,
- (b) to refer the matter to CVC for ~~other~~ clearance
- (c) to act by considering the recommendations of the CVC.

The O.A. is disposed of with no order as to costs.

  
MEMBER (A)

  
MEMBER (J)