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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

ORIGINAL APPLICATION NO. 86/2007
DATE OF DECISION : THIS THE 26TH DAY OF APRIL, 2007.

CORAM :

**HON'BLE MR. JUSTICE M. RAMA CHANDRAN, VICE CHAIRMAN
HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER**

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Mr. Vishnu Dutt Joshi S/o Shri Mangilal Joshi aged 41 years, By caste Brahmin, Resident of Setha Ram Ji Ka Chowk Ke Pass, High School Road, Mathania, Tehsil Osian, District Jodhpur, previously working as Peon, Tiddi Department, Near Dauji Ki Hotel, Opposite Electricity Department, Basni, Jodhpur.

.....Applicant.

By Mr. Mahipal Rajpurohit, counsel for the applicant.

Versus

1. ✓ Union of India through the Secretary,
Ministry of Agr. Department of Agr. & Cooperation,
New Delhi.

The Director, Directorate of Plant Protection,
Quarantine & Storage, N.H. IV, Faridabad (Haryana).

3. The Deputy Director, Tiddi Information Organisation,
Air Force Road, Opp. Sati Mata Mandir,
Near Panch Batti Circle, Jodhpur.

4. The Transport Engineer,
Tiddi Department, Near Dauji ki Hotel,
Opp. Electricity Department, Basni, Jodhpur.

.....Respondents.

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**ORDER [ORAL]
[BY M. RAMACHANDRAN]**

It appears that applicant is aggrieved because of the in-
action of the respondents in not taking him back in service even
after submission of several representations followed by a legal
notice.

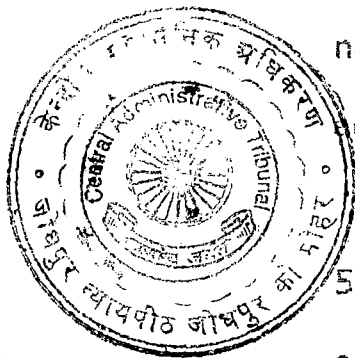


2. The case of the applicant is that he was working as a Peon under the respondents up to February 1999. However, he had been prosecuted for an offence under Section 302 Indian Penal Code. He was convicted, but, the Hon'ble High Court of Rajasthan in D.B. Criminal Appeal No. 375/2000, had expressed an opinion that the applicant had committed an offence at a time when he was of un-sound mind within the meaning of Section 84 of the Indian Penal Code. The Court had, therefore, directed that the applicant is to be detained in safe custody in an appropriate hospital or a place of custody of non-criminal lunatics as may be provided to him by State Government, under direct supervision of the Jail authorities and he would not be released from safe custody unless and until further medical opinion is obtained with regard to his state of mind and that he can take care of himself, and he has been cured of his mental disease and infirmity.



3. According to the applicant, after such retention, on examination, the Medical Board, have certified him as a person of 'sound mind' and, therefore, he was released and he is now sitting idle. He had thereupon, submitted that he may be reinstated in service since consequent to the conviction, his services had been dispensed with. We find that representations were sent by the applicant from January 2005 onward and a legal notice issued has been replied to by the Chief Administrative Officer vide Annex. A/6 dated 2.4.2007, indicating that the matter regarding reinstatement, exoneration etc. of the applicant is under consideration in consultation with appropriate authority.

4. The learned counsel for the applicant submits that respondents ought not to have delayed the matter indefinitely as his basic legal and fundamental rights are violated. At this stage, however, we do not express any opinion on the merits or demerits of the present application. We think that it would be sufficient that a direction be issued to the Director, Directorate of Plant Protection, the first respondent herein, to consider the claim of applicant as referred to in their letter dated 2.4.2007 (Annex.A/6). He is to pass final orders and communicate the same to the applicant within a period of three months from the date of receipt of a copy of this order. We do not think it necessary to hear his version before issuing this direction, as no adjudication is being attempted by us.



5. The applicant is given liberty to send a copy of this order along with a copy of the Original Application, directly to the said respondent so that it may be possible for the said authority to apply their mind and pass orders which are fair, just and in public interest.

6. With the above observations, the O.A. is disposed of.

(R.R. Bhandari)
Admv. Member

(M. Rama Chandran)
Vice Chairman (J)

Received Copy
of Original
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M. J. Purdick

Copy of order along with
 copy of AA sent to R-1 to
 file No. 803 to 806
 Ad. 10-5-2002