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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO.202/2010

Date of order: 11.08.2011

CORAM:

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER

HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER

Chenna Ram S/o Late Shri Kishan Lal T.No. 9387/12, R/o Gali No.2,
Gordhan Colony, Ratanada, Jodhpur, Father was last working 95,
Technician III (CPW) North West, Railway Jodhpur

...Applicant.

Mr.Ravindra Acharya, counsel for applicant.

VERSUS

1. Union of India, through The General Manager, Head Office,
Ganpati Nagar, Hasanpura Road, Jaipur, Northwestern
Railway.
2. Chief Executive Officer,
Northern Western Railway Workshop,
Jodhpur.
3. Senior Personnel Officer,
Northern Western Railway Workshop,
Jodhpur.

..... Respondents.

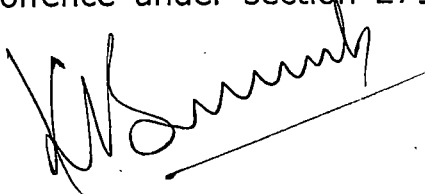
Mr. Salil Trivedi, counsel for respondents.

ORDER (Oral)

(Per Hon'ble Dr. K.B. Suresh, Judicial Member)

Heard.

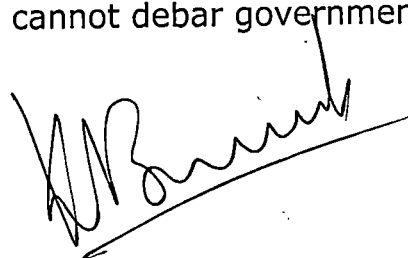
2. The applicant was in the process of being appointed on
compassionate grounds when the case of the applicant ^{was} kept in ~~abeyance~~ ^{abeyance} due to a report given by the Police. It was found that he
was involved in an offence under section 279, 304A IPC read with



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146/196 M.V Act. (Anne. A-1). The applicant while he was driving a taxi met with an accident and a person died in it. What is the effect of such an offence, on the suitability of a person, who applies for an employment under the Government?. There is no involvement of su. moral turpitude or violence in such cases. If a person met with an su. accident it is but a matter of negligence, which is a bailable offence. It is also true that hundreds of reasons may contribute to such su. accidents, thereby rendering different types of negligence, or even mechanical failure, or adverse road conditions. This will be revealed only in a trial.

3. Learned counsel for the respondents relies upon a judgment of Hon'ble High Court of Rajasthan passed in D.B. Civil Special Appeal No. 200/2009 in S.B. Civil Writ Petition No. 2470/2008 decided on 18.4.2011, but that case is different to the facts of the instant case, as they have standard application form which is filled-in by the su. applicant and the suppression of ^{factual} matrix in the same leads to ineligibility for consideration. Since he had deliberately suppressed the matter, as such his case was not considered. But in compassionate appointment, only an ordinary application is sent, and where the verification is conducted by the employer, and it comes into su. light that there ^{was} ~~are~~ involvement in an offence under section 279, 304A IPC, which is a traffic offence for negligence, it creates no su. embargo on his appointment, as he has not suppressed any material su. fact, and traffic offence as such cannot debar government appointment.



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4. The delay in employment, especially in the case of compassionate appointment would create unnecessary and grave prejudice, as the reason of appointment is the indigency of a person, and it will have prejudicial effect of geometric progression rather than mathematical as in the instant case. To that extent his right to life will be curtailed. Since he is already selected and not yet convicted by a ^{trial} ~~trial~~ Court, by no ^{stretch} ~~stretch~~ of imagination can the respondents curtail his right to livelihood and life by denying him employment at this stage. Therefore, if he had been selected, they shall offer him an employment within one month next, if there are no other impediments like conviction in a Criminal Trial within that time frame. OA is thus allowed. No order as to costs.


(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER


(DR. K.B. SURESH)
JUDICIAL MEMBER

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