

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No. 166/2013

Reserved on 09.04.2015

Jodhpur, this the 20 day of April, 2015

CORAM

Hon'ble Mr. Justice Kailash Chandra Joshi, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member

Nirmal Kumar Biyani s/o Shri Nathu Lal Biyani, aged years, resident of Near Jain Mandir, P.O. Thermal Colony, Sakatpura, Kota (working under D.P.O., North Western Railway Bikaner as Guard Goods).

.....Applicant

By Advocate: None present

Versus

1. Union of India through the General Manager, North Western Railway, H.Q. Office, Opposite Railway Hospital, Jaipur.
2. Divisional Personnel Officer, North Western Railway, Bikaner.

.....Respondents

By Advocate : Mr. Vinay Jain and Dr. Vinay Chhipa

ORDER

Per Justice K.C.Joshi

The present OA has been filed by the applicant aggrieved of the order dated 6th March, 2013 (Ann.A/1) and praying that this order may kindly be quashed and set aside and by an appropriate direction, the respondents may be restrained to terminate the services of the applicant from the post of Goods Guard and allow the applicant in the training for the post of Goods Guard.

2. Brief facts of the case are that the applicant was selected for the post of Goods Guard vide order dated 10.10.2012. Thereafter respondent No.2 passed another order on 25.2.2013 mentioning that the training of the Goods Guard is going to be held from 6.3.2013 to 18.4.2013, therefore, the applicant was directed to report on 1.3.2013. The respondent No.2 passed another order dated 6.3.2013 whereby it has been mentioned that on the basis of report of Addl. District Magistrate (City), Kota, the FIR No.268/2012 for the offence u/s 185,202 M.V. Act was registered at P.S.Gumanpura against the applicant and the learned judicial Magistrate No.2 (South), Kota vide order dated 4.5.2012 imposed the penalty of Rs. 800/-. The applicant has concealed the fact sought in Column No.11 of the attestation form, therefore, he was declared ineligible for appointment on the basis of concealment of facts. Aggrieved of the action of the respondents, the applicant has filed this OA praying for the reliefs as mentioned above.

3. By way of reply to the OA, the respondents have submitted that the applicant has submitted the attestation form filled by him which was required to be filled correctly and if any false information or suppression has been made in the attestation form then it was clearly warned that candidate will be made unfit for employment. On deposit of attestation form, the same was sent to District Collector, Kota for verification and in response, the Additional District Collector, Kota informed that an FIR No.268/2012 for offence u/s 185 and 202 of Motor Vehicle Act was registered at Gumanpura Police Station against the applicant and the Judicial Magistrate, Kota has passed order dated 14.12.2012 by which penalty was imposed. Since the

the learned Judicial Magistrate has imposed penalty, therefore, he is not entitled to be given appointment and accordingly order dated 6.3.2013 (Ann.A/1) was passed.

4. Heard both the parties. The controversy involved in this OA has already been decided by this Tribunal vide order of even date in OA No. 320/2013-Ramjee Lal Meena vs. UOI, by which after following the ratio decided by the Hon'ble Apex in the case of Devendra Kumar vs. State of Uttranchal reported in 2013 STPL (WEB).) 608 SC that suppression of material information sought by the employer or furnishing false information itself amounts to moral turpitude and is sufficient to warrant dismissal from service and is separate and distinct from the involvement in a criminal case, this Tribunal has dismissed the OA, therefore, we are of the opinion that the present controversy is squarely covered by the aforesaid judgment. In this case also from a bare perusal of record, there is sufficient evidence that the applicant has suppressed the material facts or pendency of criminal case/pendency of FIR or any proceedings against the applicant, therefore, without elaborately discussing the matter, the present OA is dismissed being bereft of merit with no order as to costs.

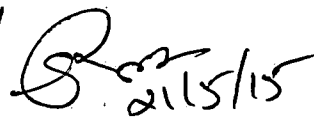



(MEENAKSHI HOOJA)
Administrative Member



(JUSTICE K.C. JOSHI)
Judicial Member

R/

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का डान्क अरु मेजरी  २१/५/१५

R/c

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