

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 126 OF 2011

Monday, this the 19th day of December, 2011

CORAM:

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

Neuman K.M
Keerthi Mahal, Kadamath PO
Union Territory of Lakshadweep – 682 554 ... Applicant

(By Advocate M.P.Krishnan Nair)

versus

1. Union of India represented by the Administrator
Union Territory of Lakshadweep
Kavarathi – 682 555
2. The Registrar of Co-operative Societies
Lakshadweep , Kavarathi – 682 555
3. Abdul Gafoor C.P
Cheriappada, Pakrichiyoda
Agatti Island
Union Territory of Lakshadweep ... Respondents

(By Advocate Mr. S.Radhakrishnan (R1&2))

The application having been heard on 19.12.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant is a native of Kadamath Island in Union Territory of Lakshadweep and is hailing from a poor family. He is a Scheduled Tribe. He has passed MBA from Calicut University. The Lakshadweep Administration invited applications for direct recruitment to the post of Cooperative Inspector. Three vacancies were notified. The applicant responded to the notification. The applicant was selected and he was placed at Sl.No.2 in the select list among the four candidates selected.

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Based on the select list, the 2nd respondent issued offer of appointment dated 20.10.2007 to the applicant. The applicant duly signed and returned the acknowledgment. Thereafter he was not appointed inspite of repeated requests and reminders. On the other hand, the respondents had appointed the other persons mentioned in the select list from Sl.No. 1 to 4. The applicant came to know that the existence of criminal case pending against him is the reason for his non appointment. It is contented that the applicant being acquitted in that case and had communicated the copy of the acquittal order to the 2nd respondent. Further it is also clarified that Case No.75/06 of Parappannangadi Judicial First Class Magistrate Court was acquitted and Crime No 235/2005 of Thenjippalam Police Station was also acquitted. As regards Crime No.1/2006, the applicant was not summoned to the police Station, arrested, investigated or any criminal case was registered . It is submitted that so long as no criminal charge is framed against the applicant by any Court of law, no reliance can be made merely because a case is registered by the Police and not even investigated further.

2. Respondents on the other hand would submit that Crime No.14/8 of Kadamat Police Station is still pending against the applicant. But the applicant would contend that the case was registered and already three years have elapsed and no charge sheet has been framed and no case is pending against the applicant in any criminal court. If that be so, in the circumstances merely a case is registered by the Police but no charges were framed against the applicant, no reliance as such can be placed for denying the appointment to the applicant. However, ultimately on a future date if the applicant is prosecuted nothing will prevent the respondents from

cancelling the appointment order. In such circumstances, the proper course open is to appoint the applicant subject to their right of cancelling the appointment order in case Criminal case No. 14/8 is proceeded by a competent Court of law.

3. In the result, we dispose of this OA directing the respondents to proceed with the appointment of the applicant subject to the right to cancel the appointment in case Crime No. 14/8 is subsequently registered and charges are levelled. At this stage it is not necessary to deal with the contentions raised by the applicant that he will be treated alike with other applicants for the purpose of seniority and other benefits.

4. OA is disposed of as above.

Dated, the 19th December, 2011.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

vs