

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

...

Registration O.A. No. 323 of 1990 (L)

Alam Shah      ...      ...      ...      Applicant.

Versus

Union of India  
and others      ...      ...      ...      Respondents.

Connected With

Registration O.A. No. 322 of 1990 (L)

Rafique Alam      ...      ...      ...      Applicant.

Versus

Union of India  
and others      ...      ...      ...      Respondents.

...

Hon.      (By Hon. Mr. Justice U.C. Srivastava, V.C.)

By means of these two applications, the applicants have prayed that the impunged order dated 13.8.1990 appointing Shé Jiya Lal, respondent no. 4 on the post of E.D.B.P.M. Chitoi District Faizabad may kindly be set aside and further the respondents may be directed to make the appointment on the post of E.D.B.P.M. Chitoi District Faizabad either of Alam Shah or of Rafique Alam whichever is fit on the compassionate ground.

2. The respondents have stated that after considering the cases of all the applicants, on merits, the respondent Jiya Lal was found to be the better candidate in comparison to other applicants and that is why he was given appointment and also because he was member of Schedule Caste Community. Both the applicants, who were earlier

(A/B)

- 2 -@@

fighting with each other for the said post latter on stated that ofcourse it can be either given to Alam Shah or to Rafique Alam. The case of Rafique Alam has been considered on merits and it was found that he has got no better claim in comparison to Jiya Lal and that is why his case was rejected, and the case of Alam Shah was rejected on the ground that there was police report against him and a criminal case under Sections 107/323 was pending against him and that is why, he was not a fit person to be appointed on the said post.

3. On behalf of Alam Shah, rejoinder affidavit has been filed in which it has been stated that the criminal cases pending against him have already been decided in the year 1983 and in @@ the applicant was acquitted of the charges levelled against him. The police report was given in the year 1989 that is why on the police verification report on which the respondents have acted was not correct. In view of the fact, no criminal case was pending against the applicant Alam Shah, as such, the respondents are directed to consider the case of Alam Shah on merits along with the case of Jiya Lal and in case from the totality of the circumstances, it is found that the Alam Shah is a better candidate and the post is also not for the Schedule Caste candidate, he can be given appointment and the respondent no. 4 Jiya Lal can be shifted elsewhere. Let this consideration be done within a period of 4 months from the date of receipt of the certified copy

(A)

- 3 -

of this judgment in that event his appointment will be deemed to have been quashed and in his place Alam Shah will be appointed. This applications are disposed of with the above terms. No order as to the costs.



Vice-Chairman

Dated: 2.4.1993

(n.u.)