

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 038.

Dated: **27 JUN 1995**

APPLICATION NO. 2139 of 1994.

APPLICANTS: Sri.Thimma,  
V/S.

RESPONDENTS: The Dy, Director of Military Farms  
Maharashtra and another.

To

1. Sri.M.S.Anandaramu, Advocate,  
No.27, First Main, First Floor,  
Chandrashekar Complex, Gandhinagar,  
Bangalore-560009.
2. Sri.M.S.Padmarajaiah, Senior Central  
Govt. Standing Counsel, High Court Bldg,  
Bangalore-560 001.

Subject:- Forwarding copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/  
Stay Order/Interim Order, passed by this Tribunal in the above  
mentioned application(s) on 14-06-1995.

Issued on  
27/06/95

  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.2139/1994

WEDNESDAY, THIS THE 14TH DAY OF JUNE, 1995

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI T.V. RAMANAN ... MEMBER (A)

Sri Thimma,  
S/o late Junjappa, aged about 31 years,  
working as Welder in the O/o. the Asst.  
Director and Officer Incharge, Military  
Farm, Hebbal, Bangalore-24 and residing  
at Shivashankar Block, II Main, Hebbal,  
Bangalore-24. ... Applicant

(By Advocate Shri M.S. Anandaramu)

Vs.

1. The Deputy Director of Military Farm,  
Head Quarters, Southern Command, Kirkee,  
Pune, Maharashtra.
2. The Assistant Director & Officer-Incharge,  
Military Farm, Hebbal, Bangalore-24. .. Respondents

(By Advocate Shri M.S. Padmarajaiah,  
Senior Central Govt. Stg. Counsel).

O R D E R

Shri Justice P.K. Shyamsundar, Vice Chairman:

We have heard Shri Anandaramu for the applicant.

2. The applicant, ~~who~~ was before us on an earlier occasion in O.A.No.690/93. We find that the allegations made therein are simply repeated in this application. The earlier application, we must observe, stood dismissed by order dated 4.4.94 in O.A.No.690/93. However, towards the far end of the order, ~~we had said~~ according to the submissions of counsel who repeatedly stressed on the fact that the Police had become more kindlier to the applicant and had issued a fresh report on the applicant's character and integrity, ~~in the~~ context of the aforesaid argument we said:



"Even after the disposal of this application Shri Reddy persistently submitted that subsequently the police have become very kindly towards the applicant and have furnished a fresh report certifying his character. We do not like to say anything regarding the same. If such a report helps the applicant, he can approach the departmental authorities in seeking out a fresh avenue of service."

3. Apparently, taking advantage of the leave granted to him to go back to the administration to seek one more opportunity on the basis of the favourable report of the Police, the applicant, it appears, made a representation as per Annexure-A8, dated 11.7.1994. That application seems to be dismissed as per Annexure-A9, pointing out, inter alia, that the earlier application having been dismissed by the Tribunal, the administration would not pay any heed to the later Police reports, if any, on record.

4. Be that as it may, the applicant appears to have entertained the impression that we had actually directed his reinstatement in the earlier application. That is what he says in para 4 of his representation at Annexure-A8. We must take this opportunity of correcting the mis-apprehension entertained by him and to make clear that we had not on any occasion mentioned anything about his reinstatement and that on the other hand, we simply left it open to the applicant to approach the authorities to consider his case for re-employment if he really had a fair police report at a subsequent stage. In that situation, if he had gone back to the department on the ground that we had directed his reinstatement, it really is a mis-cued statement. We are not inclined to take any serious notice of the same. We are told the applicant who is out of employment has a family of four children and a wife to support. Out of this frustration, he had made a wrong statement, which should not have done.

5. Be that as it may, the representation having been considered and rejected once again by the administration, we do not see any good reason to interfere with such rejection notwithstanding the <sup>alleged</sup> near favourable police report subsequent to the earlier. The latter is not produced and is nowhere in the offing. Shri Anandaramu invites our attention to the order sheet in a particular case in C.C.1617/82, disposed of on 4.7.91. The order sheet is annexed as Annexure-A10. That does not refer to any police report favourable to him. It only shows the applicant having been prosecuted under Section 341-323 IPC the Court being tired with the prosecution's inability to produce evidence had compulsorily closed the case under Section 251 of Cr.P.C. That development shows the applicant has had a fortuitous escape from the hands of the Magistrate. He cannot take advantage of such an order and seek to place it on par with a favourable police report. We do not see anything favourable in the course of that order. Thus, we find no substance in this application. It therefore stands dismissed.

Sd-

Sd-

( T.V. RAMANAN )  
MEMBER (A)

(P.K.SHYAMSUNDAR)  
VICE CHAIRMAN



TRUE COPY

*[Signature]*  
27/6/95  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore