

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

J A I P U R.

O.A. No. 632/92

Date of decision: 21.10.94

GANGA SINGH

: Applicant.

VERSUS

UNION OF INDIA & OPS : Respondents.

Mr. Virendra Lodha : Counsel for the applicant.

Mr. V.S. Gurjar : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. N.H. Verma, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties.

2. Learned Counsel for the respondents has invited our attention to the copy of letter dated 2-1-67 (Annexure P-2) and submitted that selection for the post of Cashier will be made by selection from amongst officials satisfying the conditions laid therein. One of the conditions is that he must be a person of sound financial position. To be a person of sound financial position and to be a person of sound financial character are two different things. What is needed is that a person must be fair in his dealings and must be a person of integrity so that there is very little possibility of embezzlement and mis-use of the Government funds.

3. If we consider that only the persons of the sound financial position can be appointed on the post of Cashier, it will be against the provisions of Articles 14 and 16 of the Constitution of India. Ordinarily, the persons of ST/SC and OBC and even of the General Classes are not of very sound financial position. They are poor people; they are having very good character and if we consider that there should be a person of sound financial position, then it will amount to depriving the large number of people from getting the appointments on the post of Cashier. So, this part of

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the condition is bad. The respondents can introduce a condition that for the post of Cashier, character of the person and particularly in dealing with the financial matters, can be looked into and this is very important also to safeguard the Government money. The respondents have come with a case that the applicant was not a person of sound financial position. The second contention of the respondents is that the applicant has drawn two advances of LTC and they are against the rules. LTC advances are sanctioned by the authorities and some documents are produced by the party applying for the LTC advance or enjoying the LTC. They are examined by the Accountant and sanctioning authority. If the applicant is guilty of giving a false declaration in the form, he may be a person of bad character but if he has given the correct description and has not given any false declaration then he cannot be considered of bad character. On that count, the department has committed a mistake in allowing him to go on LTC twice in one block year and draw LTC advances.

4. Whatever may be a position, it needs further examination, in the light of the observation made. The financial position shall not be considered but financial character shall only be considered and while rejecting the claim of the applicant, the respondents should pass a speaking and reasoned order.

5. In the result, the application is allowed to this extent that the respondents will reconsider the case of the applicant and while considering the case of the applicant they will not consider the sound financial position as a condition but they will consider the sound financial character and integrity only in place of sound financial position. If the applicant is found suitable then he will be entitled for all consequential benefits from the date

Nil

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he is found suitable. The case should be considered within a period of three months from the date of receipt of the copy of this order.

6. The O.A. is disposed of accordingly, with no order as to costs.

N.K. Verma
(N.K. VERMA)
Administrative Member

D.L. Mehta
(D.L. MEHTA)
Vice-Chairman