

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD :

O.A.No.593/90.

Date of Judgment:29-8-90.

Abdul Gaffar

...Applicant

Vs.

1. The General Manager,
Ordnance Factory,
Yeddumailaram,
Medak District.

...Respondent

- - - -

Counsel for the Applicant : Shri Y.Ashok Raj, Advocate

Counsel for the Respondent : Shri Naram Bhaskar Rao, Addl.CGSC

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CORAM:

HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

HON'BLE SHRI D.SURYA RAO : MEMBER (JUDICIAL)

(Judgment of the Division Bench delivered by
Hon'ble Shri B.N.Jayasimha, Vice-Chairman)

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The applicant is one of those whose lands were acquired for the construction of the Ordnance Factory in Medak District. His name was sponsored by the Employment Exchange, Sanga Reddy, ^{Medak} District. The respondents interviewed him on 25-9-89 for the post of Canteen Vendor. He was initially appointed for a period of 89 days and his services terminated on 19-1-1990. Thereafter he was again taken back immediately and terminated on 21-4-90. A show cause notice dt.26-3-90 was issued to him to explain why his services should not be terminated for the reason that

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he had wilfully suppressed the fact that he is involved in a criminal case. The applicant states that he had been falsely implicated in the criminal case and subsequently he was also acquitted of the criminal charge. In filling the application form, he had taken the help of a third person and inadvertently the fact that criminal case was pending was not mentioned. He tendered his apology to the General Manager. Even then his services were terminated on 21-4-90. He has therefore filed this application to set aside the order dt.21-4-90 and to reinstate him in service with all consequential benefits.

2. The respondents say that due to urgency in filling the vacancies, applicant and others who were selected were initially appointed for a period of 89 days pending receipt of the verification report from the police. Even on expiry of that period the Police Verification Report was not received and therefore he was once upon appointed for 89 days. During the second spell of appointment, the Police Verification Report of the applicant was received. The report showed that the applicant was involved in a Criminal Case in Cr.No.320/87, under section 419 of I.P.C. The applicant had wilfully suppressed this fact in that against Col.12(b) of the attestation form, he had affirmed that he was never prosecuted. In view of this he was asked to explain why he had suppressed this information. In his explana-

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tion he admitted that he did not mention the fact of the pendency of the criminal case in the attestation form as he had been falsely implicated. Being not sufficiently educated, he did not understand the implication of his reply. As his explanation was not satisfactory, on expiry of the casual appointment of 89 days his services were terminated with effect from 21-6-90. His services were terminated on the ground of suppression of information and not on the ground of criminal case pending against him. His subsequent acquittal would not alter the position in so far as furnishing of false information in attestation form. Hence they say that the application should be dismissed.

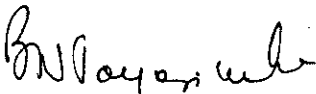
3. We have heard the learned counsel for the applicant Shri Y.Ashok Raj and Shri Naram Bhaskar Rao, Additional Standing Counsel for the Respondent. The facts show that the applicant had suppressed the fact relating to the pendency of criminal case in the attestation form. The applicant has admitted the mistake. In the circumstances, the contention of the applicant that the termination order is illegal has to be rejected.

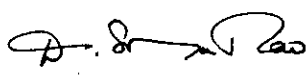
4. The learned counsel for the applicant states that the applicant should be considered for ^{being offered} ~~offering~~ a fresh appointment in view of the hardship involved. There are also mitigating contentions which ought to ~~be~~ considered by the respondent. Firstly the applicant was offered the appointment under the scheme of offering employment to one person in the family whose lands have been acquired for the establishment

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of the factory. Secondly, since he belongs to the lower echelons of the society the remissness on his part in not to have mentioned the pending criminal case may not be viewed with the same seriousness as in other cases. Thirdly, he has been acquitted in the criminal case. There is considerable force in the points urged by the learned counsel for the applicant and it appears to be a case wherein sympathetic consideration can be shown to him. We cannot however give any direction in this regard to the respondents. It is for the respondents to consider if the applicant makes a representation to them seeking a fresh appointment explaining the mitigating circumstances.

5. With these observations, the application is dismissed. No order as to costs.


(B.N. JAYASIMHA)
VICE CHAIRMAN


(D. SURYA RAO)
MEMBER (JUDL.)

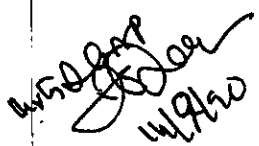
DT. 29th August, 1990
Dictated in open court


Pw Deputy Registrar (J) 14/9/90

To avl/Sqh

1. The General Manager, Ordinance Factory, Yeddumailaram, Medak District.
2. One copy to Mr. Y. Ashok Raj, Advocate 5-9-22/63/3, Adarsh Nagar, Hyderabad.
3. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
4. One spare copy.

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14/9/90

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COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. B.N. JAYASIMHA : V.C.

AND

THE HON'BLE MR. D. SURYA RAO : MEMBER (J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M (J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M (A)

DATE: 29/8/90

ORDER/JUDGMENT:

M.A./ R.A./C.A./No.

in

T.A.No.

W.P.No.

O.A.No. 593/90

Admitted and Interim directions issued
Allowed.

Dismissed for Default.

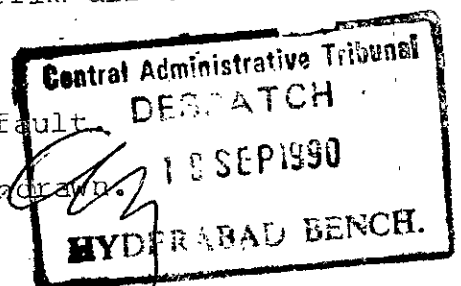
Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.



14/9/90