

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 291/00612/2015
WITH
MISC. APPLICATION NO. 291/00459/2015**

DATE OF ORDER: 01.04.2016

CORAM

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER**

Vipin Kala S/o Shri C.M. Kala, aged about 30 years, R/o 53/53, Saryu Marg, V.T. Road, Mansarovar, Jaipur.

....Applicant

Mr. Surendra Singh, proxy counsel for
Mr. M.S. Gupta, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Home Affairs, Intelligence Bureau, New Delhi - 110021.
2. Director, Intelligence Bureau, Chanakyapuri, New Delhi.

....Respondents

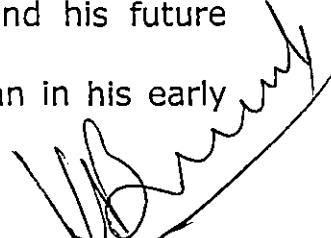
Mr. N.C. Goyal, counsel for respondents.

ORDER

(Per DR. K.B. SURESH, JUDICIAL MEMBER)

Heard. Apparently the applicant was involved in a case under Section 341, 323, 325 IPC and the matter was immediately settled by compromise in the year 2004 itself. However, anyway he applied for a job in the year 2014. In the attestation form, he had not filled this fact. Probably it was so because as he claims it was the occasion after passing of 10 years of time and he had forgotten the incident.

2. Now the question is not whether he had forgotten or not the incident. The question is that for such a small incident, a young man's life and livelihood may put in jeopardy and his future prospects ruined. It is possible for the young man in his early



age to be having joined in any such incident. But such slight incident may not mar his life as well. If the effect of such an incident is to persist throughout life, the concept of justice and the concept of mercy would be diminished forever. Therefore, we are inclined to think that after a gap of more than a decade, particularly after the matter was settled, a common man might have forgotten the incident. In any case, the alleged offence against the applicant is such a petty one.

3. In the State of Rajasthan fight between groups is not uncommon. It is also possible that a fraud case may be taken up against a group of people even when some of them who may not have any role in fight between families, it is common that entire households end up an accused.

4. Therefore we must be guided by reason and logic rather than absolute technicality of law. Mercy should be applied while adjudication on life of a human of in issue. All these things we need to take with a little bit of salt.

5. Taking a practical and pragmatic view, we direct that the incident as stated above is of no consequence and the case of the applicant may be reconsidered for appointment as if such incident has not occurred.

6. The Original Application is, thus, allowed to the extent as stated above. In view of this, the Misc. Application is disposed of.


(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER


(DR. K.B. SURESH)
JUDICIAL MEMBER