

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.
JABALPUR

Original Application No. 14 of 2005

Jabalpur, this the 25th day of August, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Chandan Singh Thakur, S/o. Shri A.K.
Thakur, aged about 27 years, Presently
Working as – Driver State of Madhya Pradesh,
R/o. 10/17 H Type, Eastland Khamaria,
Jabalpur, MP.

.... Applicant

(By Advocate – Shri A.S. Raizada)

V e r s u s

1. Union of India,
Through Secretary,
Ministry of Defence,
New Delhi.

2. Chairman, Ordnance Factory Board,
10-A, Shaheed Khudi Ram Bose Road,
Kolkatta.

3. General Manager, Ordnance Factory,
Itarsi, M.P.

.... Respondents

(By Advocate – Shri Harshit Patel on behalf of Shri S.C. Sharma)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

Heard the learned counsel for the parties.

2. By filing this Original Application the applicant has claimed the following main reliefs :

“7.1 to direct the respondents to appoint the applicant on the post of Fire Engine Driver Grade-A.

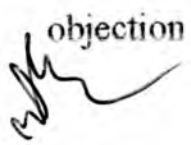


7.2 to restrain the respondents from canceling the post of Fire Engine Driver Grade-A for which the applicant was selected."

3. The brief facts of the case are that the applicant has qualified in the written examination and in personal interview held for the post of Fire Engine Driver. But by letter dated 24th April, 2004 (Annexure A-3) an explanation was sought from the applicant regarding the intimation given by the Superintendent of Police, Jabalpur that a criminal case was registered against him and he was arrested by the Police on 11.12.1998. The applicant submitted that he was thereafter acquitted from the charge. He has filed his reply dated 9.9.2004 (Annexure A-4). After receiving the reply of the applicant, the respondents have passed a show cause notice dated 30th November, 2004 (Annexure A-5), whereby he was informed that why his selection be not cancelled. The applicant has submitted his reply to the show cause notice vide his letter dated 14th December, 2004 (Annexure A-6). The consideration on his reply is still pending with the respondents.

4. The respondents in their reply have stated that the representation against the show cause notice given by the applicant is still under consideration before the accepting authority and as no final order has been passed in his case, the present Original Application is pre-mature.


5. During the course of argument the learned counsel for the applicant submitted that he will feel satisfied if directions are given to the respondents to take a decision on his representation dated 14th December, 2004 (Annexure A-6) which has been filed by him against the show cause notice, after taking into consideration the judgment of the Hon'ble High Court of Madhya Pradesh passed in the case of **Laxmi Narayan Bajpai Vs. State of M.P. and others**, in WP No. 7836/2003 on 24.6.2004, in a time frame manner. The learned counsel for the respondents has no objection to the submission made by the learned counsel for the applicant.



6. In the circumstances, we direct the respondent No. 3 to consider the representation of the applicant dated 14th December, 2004 (Annexure A-6) filed by him against the show cause notice in the light of the judgment of the Hon'ble High Court of Madhya Pradesh passed in the case of Laxmi Narayan Bajpai (supra) and take a decision by passing a speaking, detailed and reasoned order within a period of three months from the date of receipt of a copy of this order.

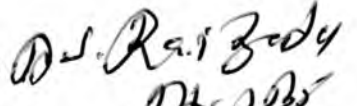
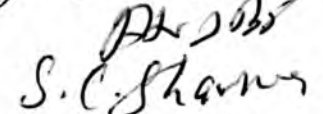
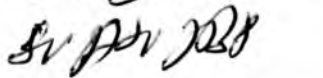
7. Accordingly, the Original Application stands disposed of. No costs.

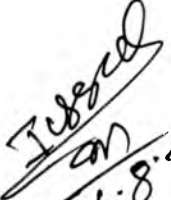

(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

पृष्ठंकन सं ओ/न्या.....जयपुर, दि.....
प्रतिनिधि कार्यविधि:-
(1) सति. जयपुर जयपुर जयपुर जयपुर
(2) आवेदन श्री/श्रीमती/.....के काउंसल
(3) प्रत्यर्थी श्री/श्रीमती/.....के काउंसल
(4) मध्यमाल, के.प्र.अ., जयपुर जयपुर
सूचना एवं आवश्यक कार्यवाही हेतु
जयपुर जयपुर जयपुर जयपुर


26.8.05