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CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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**ORDERS OF THE BENCH**

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**26.07.2011**

OA No. 433/2008

Mr. Ramesh Chand, Counsel for applicant.  
Mr. SC. Purohit, Counsel for respondents.

On the request of the learned counsel for the respondents, put up for hearing on 24.08.2011.

*Anil Kumar*

(ANIL KUMAR)  
MEMBER (A)

*K. S. Rathore*

(Justice K.S. Rathore)  
MEMBER (J)

AHQ

*3000m*

24/08/2011

O.A. 433/2008

Present: Mr. Ramesh Chand counsel for the applicant.  
Mr. S.C. Purohit counsel for the respondents.

This case has been listed before Deputy Registrar due to non-availability of Division Bench. Let the matter be placed before the Hon'ble Bench on 19/09/2011.

*D. J. S.*  
Deputy Registrar

*D. J. S.*

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19/09/2011  
OA 433/2008

Mr. Ramesh Chand, Counsel for applicant.  
Mr. Anupam Agarwal, Counsel for respondents.

Heard.

The O.A. is disposed of by a separate order on the separate-sheets for the reasons recorded therein.

Anil Kumar  
[Anil Kumar]  
Member (A)

K. S. Rathore  
[Justice K. S. Rathore]  
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 19<sup>th</sup> day of September, 2011

**Original Application No.433/2008**

**CORAM:**

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)  
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

Hemender Singh Tomar  
s/o Shri Jai Singh Tomar,  
r/o House No.1485/XXX,  
Tomar Niwas, Prakash Road,  
Nagra, Ajmer.

.. Applicant

(By Advocate: Shri Ramesh Chand)

Versus

1. Union of India  
through General Manager,  
North Western Railway,  
Jaipur
2. Chief Works Manager,  
North Western Railway,  
Loco Workshop,  
Ajmer.
3. Dy. Chief Mechanical Engineer,  
North Western Railway,  
Carriage Workshop,  
Ajmer.

.. Respondents

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

The applicant passed the Apprenticeship Training under the Apprentice Act, 1961 at Basic Training Central, C&W Shop, Ajmer from 9.2.1991 to 8.2.1994 in Fitter trade.

2. The Divisional Railway Manager (DRM), North Western Railway, Ajmer vide letter dated 10.9.2004 informed the applicant that in terms of General Manager, Jaipur letter dated 30.8.2004, the name of the applicant is under consideration for appointment and, if applicant is willing for the same, then furnish the certificate of technical education, apprenticeship Training and Date of Birth to the Divisional Railway Manager Office, Ajmer in the prescribed proforma. In compliance of the above, the applicant submitted desired information to the DRM office, Ajmer in the prescribed proforma.

3. The respondents vide letter dated 13.1.2006 furnished a list of 34 course completed Act Apprentices for appointment as new faces in Group-D and out of 34 candidates, 22 candidates were allotted for C&W Shop for appointment and in the said list name of the applicant appeared at Sl.No.25.

4. The respondent No.3 vide letter dated 24.2.2006 informed the applicant that his name has been approved by the competent authority for appointment on the post of Khalalsi in the pay scale of Rs. 2550-3200 (RPS) and he was



directed to report to the office of respondent No.3 on 28.2.2006 alongwith certified copies of certificates of Date of Birth, Educational Qualification etc. and thereafter the applicant was medically examined by the Railway Hospital, Ajmer and he was found fit in C-1 medical category.

5. Upon verification of character of the applicant from the District Magistrate, the District Magistrate vide letter dated 31.3.2006 informed respondent No.3 that case No. 226/03 under Section 498 IPC is pending before the Court of Jaisalmer and respondent No.3 informed that after receipt of no objection certificate, the applicant's case will be considered.

6. It is not disputed that the District and Sessions Judge, Jaisalmer acquitted the applicant from the offence under Section 498 (A) IPC and the security bond was also discharged.

7. On acquittal, the applicant submitted application dated 13.9.2007 to respondent No.3 alongwith copy of the judgment dated 31.7.2007 passed by the District and Sessions Judge, Jaisalmer.

8. Respondent No.3 referred the applicant's case to respondent No.1 for direction to appoint the applicant, but no response is received from respondent No.1. Thus, again representations dated 29.11.2007 and 26.7.2008 were submitted by the applicant.



9. It is also not disputed that out of 22 candidates all other 21 candidates have been appointed on the post of Khalasi.

10. We have perused Ann.A/1 dated 30.10.2007 which reveals that case of the applicant was referred to the General Manager, Jaipur for direction to give appointment to the applicant as the applicant has been honorably acquitted from the criminal charges which has not been responded till the filing of the OA and even the respondents have neither able to place any order to this effect nor any response to the representation filed by the applicant has been given.

11. Looking to the facts and circumstances of the case, we deem it proper to quash and set-aside the impugned order dated 30.10.2007 and direct the respondents to consider case of the applicant in accordance with provisions of law and in view of the fact that the applicant has been exonerated from the criminal charges by the Court of Law and pass a reasoned and speaking order and if the applicant is otherwise found suitable, he may be given appointment on the post of Khalasi.

12. With these observations, the OA stands disposed of with no order as to costs.

*Anil Kumar*

(ANIL KUMAR)  
Admv. Member

*K.S.Rathore*

(JUSTICE K.S.RATHORE)  
Judl. Member

R/