

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**CP 91/2016
In
OA 2496/2014**

New Delhi this the 03rd day of April, 2017

**Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Sh. Raj Vir Sharma, Member (J)**

Shiv Kumar
Aged about 28 years
S/o Shri Bhopal Singh
R/o WZ 632/B, Madipur Village
New Delhi.

... Applicant

(By Advocate : Mr. Ranjit Sharma)

Versus

1. S.K. Budlakoti
General Manager
Northern Railway
Baroda House
New Delhi-110001

2. Vinod Paswan
Chief Manager (Works)
Passenger & Goods Train Coach Factory
Alam Bagh, Lucknow, U.P. ... Respondents

(By Advocate : Mr. A.K. Srivastava)

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

This CP has been filed for alleged non-compliance of the order of this Tribunal dated 04.09.2015, the operative part of which reads as follows:-

8. We have gone through the decision in Jainendra Singhs case (supra), wherein their Lordships were examining the correctness of the judgment passed by the Honble High Court of Allahabad declining to interfere with the order of termination of service of the appellant, after holding that the appellant deliberately concealed the vital information in order to secure employment and subsequent acquittal would not enure to his benefit. The Division Bench of the Honble Supreme Court, after referring to a large number of decisions, found divergent views to have been expressed by coordinate Benches on the points. Therefore, their Lordships referred the issues to a Larger Bench for an authoritative

pronouncement. In the instant case, there being no suppression of information by the applicant to secure employment, the decision in Jainendra Singhs case (supra) does not come to the aid of the respondents.

9. In the light of our above discussions, we hold that the impugned letter dated 3.6.2013 (Annexure A/1) issued by respondent no.3 deferring and/or denying appointment of the applicant to the post of Helper in Passenger & Goods Train Coach Factory, Alam Bagh, Lucknow, U.P., is unsustainable and liable to be quashed, and accordingly, the same is quashed. Consequently, respondent no.3 is directed to issue appropriate order appointing the applicant to the post of Group D/Helper/Khalasi and allow him to join the service. On the facts and in the circumstances of the case, it is ordered that the applicant will be entitled to all service benefits only from the date of his joining the post of Group D/Helper/Khalasi in Passenger & Goods Train Coach Factory, Alam Bagh, Lucknow, U.P.. The respondents shall comply with the direction contained in this order within three months from today.

10. In the result, the O.A. is allowed to the extent indicated above. No costs."

2. Today, when this matter was taken up learned counsel for the respondents has produced a copy of the order dated 23.03.2017 of the respondents by which the applicant has been called for verification of his documents.

3. In view of the aforesaid, we are satisfied that our order has been substantially complied with. Accordingly, this C.P. is closed. Notices issued to the contemnors are discharged.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

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