

Central Administrative Tribunal Principal Bench, New Delhi

OA No.3812/2015

This the 22nd December, 2015

**Hon'ble Shri P.K. Basu, Member (A)
Hon'ble Shri Raj Vir Sharma, Member(J)**

1. Ajay Rathee, Age-23 years,
S/o Sh. Bhagwan,
R/o Village-Majri, PO-Gubhana,
Tehsil-Bahadurgarh,
District-Jhajjar, Haryana-124507 ... Applicant

(By Advocate: Mr. Sachin Chauhan)

Versus

1. Union of India
Through its Secretary,
Govt. of India,
Ministry of Personnel, Public Grievances & Pension,
Department of Personnel & Training,
North Block, New Delhi.
2. Staff Selection Commission
Through its Chairman,
Block No.12, CGO Complex
Lodhi Road, New Delhi-3
3. The Regional Director (NR),
Govt. of India,
Department of Personnel and Training,
Block No.12, CGO Complex,
Lodhi Road, New Delhi-3
4. The Comptroller & Auditor General of India,
9, Deen Dayal Upadhyaya Marg,
New Delhi.
5. The Accountant General (A&E),
Punjab & U.T. Chandigarh,
Sector-17, Chandigarh-160017

(By Advocate: Mr. Hanu Bhaskar)

Order (oral)

By Hon'ble Mr. P.K. Basu, Member (A)

The reliefs sought in the O.A. are as follows:

- "i) To direct the respondents that applicant be given appointment to the post of DATA ENTRY OPERATOR (DEO) IN AG (A&E), Punjab & U.T. Chandigarh (as per merit and nomination in selection process i.e. CHSL Exam-2013) with all consequential benefits including seniority and promotion and pay and allowances."
- ii) Any other relief which this Hon'ble Court deems fit and proper may also awarded to the applicant."

2. Learned counsel for the respondents stated that they have received the expert opinion on the applicant there being related to the signatures and handwriting. In fact Mr. T. Joshi, Scientist-B from FSL, Chandigarh Bench is also present today. It is confirmed by the learned counsel for the respondents that the candidate is now cleared by the FSL and his name has been forwarded to User Department in this regard letter dated 10.12.2015 written to the CAG (Comptroller Audit General).

3. Learned counsel for the applicant stated that in view of order dated 08th September, 2009 of this Tribunal in O.A. No. 1718/2008, in order to avoid another round of litigation, the respondents be directed to appoint the applicant on the post of Data Entry Operator (DEO) notionally against selection process i.e. CHSL Exam-2013 batch for the purpose of seniority etc. O.A. 1718/2008 (supra) had been filed basically to decide the issue whether the candidature of a person for the post of Constable under the Delhi Police can be cancelled merely on the ground of his not furnishing the information in the application form while applying for the job about his involvement in a criminal case although such information has subsequently been filed in the attestation

form. The Tribunal, after examining the issue in the light of the judgments of the Hon'ble Supreme Court, allowed the OA and ordered as follows :

"We direct that no objection would be raised by the Respondents about the Applicant not giving information about his involvement in the criminal case in the application form. Respondents are also directed to consider the case of the Applicant for posting as Constable in Delhi Police notionally with the batch for which he competed. He would only get notional appointment from back date without back wages."

4. In view of the above, the O.A. is disposed of with direction to the respondents to appoint the applicant to the post of Data Entry Operator, as per merit in selection process i.e. CHSL Exam 2013 and notionally from the date his immediate junior was appointed and his pay and allowance fixed notionally as on that date accordingly, without any back wages. Time frame for compliance is set at two months. No costs.

(Raj Vir Sharma)
Member (J)

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(P.K. Basu)
Member (A)