

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

OA No.3815/2015

This the 22nd December, 2015

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

1. Jagparvesh, Age-25 years,
S/o Sh. Krishan,
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 JS (TRG&CAO),
Ministry of Defence,
Govt. of India,
E-Block, New Delhi-11 ..Respondents

(By Advocate: Mr. Hanu Bhaskar)

O.A. U/S 19 of A.T. ACT 1985

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 MTS (NT) in O/o JS (TRG & CAO), AFHQ, Ministry of Defence (as per merit and nomination in selection process i.e. MTS (NT)-2014) with all consequential benefits including seniority and promotion and pay and allowances.

Or/and

- 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 on the doubt related to the signatures and handwriting. It is confirmed by the learned counsel for the respondents that the applicant is now cleared by FSL. In fact Mr. T. Joshi, Scientist-B from FSL, Chandigarh Bench is also present today.

3. Learned counsel for the respondents has also produced a copy of the letter dated 02.12.2015 before us by the SSC to Ministry of Defence wherein the SSC has forwarded the dossier of the applicant, Shri Jagparvesh, Roll No.2201072299, Rank No. SL/00200 and that he had qualified for the post of MTS (Multi Tasking (Non-Technical) Staff Examination, 2014 for further necessary action at their end. 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 MTS (NT) notionally against selection process i.e. MTS (NT)-2014 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 MTS (NT), as per merit in selection process i.e. MTS (NT)-2014 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)

(P.K. Basu)
Member (A)

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