

**Central Administrative Tribunal
Principal Bench**

OA - 3752/2018

New Delhi, this the 1st day of October, 2018

Hon'ble Mr. K.N. Srivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

Mahender Sejwal, Aged about 35 years (Group B, Security Assistant)
S/o Sh. Bhagwan Dass Sejwal
R/o D-178 Dakshin Puri
New Delhi – 110062.

....Applicant

(By Advocate : Mr. S.P. Sethi and Mr. Sunil Malhotra)

Versus

Union of India through :

1. Secretary
Ministry of Home Affairs
Intelligence Bureau
Govt. of India, New Delhi.
2. The Joint Director / G
Intelligence Bureau
Ministry of Home Affairs
Govt. of India
New Delhi.

....Respondents

(By Advocate : Mr. Rajnish Prasad)

ORDER (ORAL)

Mr. K.N. Srivastava, Member (A)

Notice. Mr. Rajnish Prasad, learned counsel appears and accepts notice on behalf of respondents.

2. The applicant belongs to scheduled caste community. He applied for the post of Security Assistant (Motor Transport) in Intelligence Bureau (IB). He underwent skill/driving tests conducted by the respondents between November 29th - December 24th, 2016.

The result was published vide final Result Notice (Annexure A-8).
The applicant name figures in the list of selected candidates (Roll No. 11003197).

3. The grievance of the applicant is that despite having been declared successful in the skill test, his candidature has been rejected by the respondents vide impugned Annexure A-2 order dated 30.08.2017 on the ground of his character and antecedents verification.

4. The applicant has approached the Tribunal in the instant OA seeking the following main relief :

“(ii) That this Hon’ble Tribunal may graciously be pleased to direct the Respondents to consider the case of the Applicant for appointment as Security Asstt. (MT) for which he is eligible by all means and for which he has been selected after due process of conducting skillness test and having qualified the same, after condoning the omission if any and appoint him to the post of Security Asstt. (MT) with the Respondent no. 2 or in its any other offices.”

5. Heard Mr. Sunil Malhotra, learned counsel for applicant for a while. He submitted that indisputably the applicant was facing a criminal case u/s 25 of Arms Act on the basis of an FIR registered in Sarita Vihar Police Station, Delhi but he has been acquitted of the charge by Metropolitan Magistrate vide order dated 24.07.2018. He, thus, submitted that main prayer made in the OA be allowed.

6. Mr. Rajnish Prasad, learned counsel for respondents is present on advance notice. He drew our attention to prayer made in para 4.7 of the OA. He submitted that the applicant himself had admitted that

even though he was facing a criminal case vide FIR 19/15 registered with Sarita Vihar Police Station u/s 25 of Arms Act, but inadvertently he had ticked (✓) 'No' against the column pertaining to pending court case.

7. We would not like to go into the merits of the case at this stage. We find that post his acquittal from the criminal case, the applicant has submitted Annexure A-7 representation dated 17.08.2017 to the respondents which has been followed by another Annexure A-1 representation dated 10.10.2017. In view of this, we feel that this OA can be disposed of at the admission stage, by direction to the respondents to decide the pending representation of the applicant. Accordingly, the OA is disposed of in following terms ;

a. The applicant is granted liberty to submit a supplementary representation, in addition to the two representations that he has already submitted to the respondents, within a period of two weeks from the date of receipt of this order, in case he wants to present some new facts/developments for consideration.

b. The respondent No. 2 (IB) is directed to dispose of Annexures A-1 and A-7 representations of the applicant, together with the supplementary representation, if any, within a period of eight

weeks by way of passing reasoned and speaking order.

c. The applicant shall have liberty to take recourse to appropriate remedy, as available to him under law, if he is dissatisfied with the order to be passed by respondents No. 2.

Order 'dasti'.

(S.N. Terdal)
Member (J)

(K.N. Srivastava)
Member (A)

/anjali/