

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/00184/2017

Date of order: 2/3/2017

Present : Hon'ble Ms. Jaya Das Gupta, Administrative Member

Pramod Rajak,
Son of Binda Rajak,
12 No. Rail Colony,
Andal Block No. 125/G (Changed),
P.O. & P.S. – Andal,
District – Burdwan,
Pin – 713321.

.. Applicant

- V E R S U S -

1. Union of India,
Service through the Secretary,
Ministry of Home Affairs,
North Block,
Central Secretariat,
New Delhi – 110 001.
2. The Staff Selection Commission,
(Eastern Regional) represented
Through the Regional Director,
Office at "Nizam Palace",
1st MSO Building (8th Floor),
234/4, Acharya Jagdish Chandra Bose Road,
Kolkata – 700 020.
3. The Administrator,
Central Hindi Training Institution,
Ministry of Home Affairs,
Department of Official Language,
7th Floor, Paryavaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
4. The Special Superintendent of Police,
Intelligence Branch,
13 Lord Sinha Road,
Kolkata – 700 071 (W.B.).
5. The District Magistrate,
Kachhari Road Kalibazar Para,
Burdwan, P.O. and Dist. – Burdwan,
West Bengal,
Pin – 713101.
6. The Assistant Commissioner of Police,
Special Branch, ADPC (West).

2/3/2017

Asansol, Burdwan,
Pin - 713304.

.. Respondents

For the Applicant : Mr. A. Sinha, Counsel
Mr. P. Ghosh, Counsel

For the Respondents : Mr. R. Roychoudhury, Counsel
Mr. S.K. Pal, Counsel

ORDER (Oral)

ld. Counsel for both sides are present.

2. The applicant in this case has approached the Central Administrative Tribunal under Section 19 of the Administrative Tribunal Act, 1985 seeking the following reliefs:-

- a. An order directing the respondents to treat the order dated 21.12.2016 passed by the Hon'ble Court Calcutta in C.R.R. No. 3461 of 2016 with CRAN 4059 of 2016 (Pramod Rajak & Ors. vs. The State of West Bengal & anr.) as part and parcel of the police verification and/or other verification report conducted at the behest of the respondent authority.
- b. An order directing the respondent authority to process the employment considering the criminal court orders dated 03.10.2016 and 21.12.2016 as there are no criminal cases pending against the applicant.
- c. Any other relief or reliefs of the Hon'ble Tribunal may deem fit and proper."

3. It is the submission of the applicant that he had applied in response to an advertisement published in March, 2014 in Employment News by the Staff Selection Commission for filling up the post of Hindi Pradhyapak (Central Hindi Training Institute) under the Ministry of Home. He had applied and was found successful and, accordingly, as per his pleadings at Para 4 (v) the respondent authorities i.e. the Ministry of Home Affairs, Department of Official Language Central Hindi Training Institute vide their letter dated 26.10.2015 communicated the fact that the applicant had been selected for the post of Hindi Pradhyapak and, accordingly, he was

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requested to complete the other formalities before appointment letter can be issued.

4. It is his submission that the police verification report has not been submitted to the authorities as criminal cases were pending against him. He further submits that no criminal case is pending as of date and hence the appropriate respondent authorities should submit the police verification report so that appointment may be extended to him.

5. In support of his submission he has submitted the order of Hon'ble High Court of Calcutta dated 21.12.2016 in CRAN No. 4059 of 2016 which is extracted as under:-

" Report is filed on behalf of the investigating agency be kept with the record.

Parties have amicably resolved their dispute wherefrom the criminal proceeding has arisen.

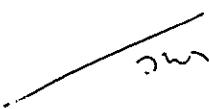
I have perused the allegation in the impugned charge sheet. I do not find any ingredients of the offence of perjury.

Having considered the averments made in CRAN 4059 of 2016 and the report filed on behalf of the investigating agency, I am of the opinion that continuation of the impugned proceeding would be an abuse of the process of Court. Proceeding being G.R. Case No. 969/2016 pending before the Court of Learned Additional Chief Judicial Magistrate, Durgapur, Burdwan arising out of Andal P.S. Case No. 149/16 dated June 5, 2016 under Sections 467/468/471/355/357/352/323/342/452/506/120B of IPC stands quashed.

With the aforesaid observation, the petition as well as application are disposed of."

6. The Ld. Counsel for the respondents submitted that no communication has reached their office regarding the High Court order passed on 21.12.2016.

7. Hence, with the consent of both the parties it is directed that the applicant shall submit all relevant papers including the High Court order to respondent No. 3 i.e. The Administrator, Central Hindi Training Institution,



Ministry of Home Affairs, New Delhi as expeditiously as possible and the respondent No. 3 on getting such documents shall process the same as per rules/law within a period of three months from the date such documents are received by the appropriate authority.

8. The O.A. is disposed of with the above direction. No costs.