

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/684/2014

DATE OF ORDER: 14.03.2019

CORAM

HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER

Bhagwan Sahai Gurjar S/o Shri Govind Narain, aged about 27 years, resident of Vill + Post – Khanddevat, Tehsil Niwai, Distt. Tonk (Raj.).

....Applicant

Mr. Manish Parihar, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. North Western Railway through Divisional Railway Manager, Ajmer (Rajasthan).

....Respondents

Mr. P.K. Sharma, counsel for respondents.

ORDER (Oral)

Per: Suresh Kumar Monga, Judicial Member

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief: -

- "I. Kindly quash and set aside the order dated 03.07.2014 and direct the respondents to allow the applicant to join the service in accordance with the offer of appointment issued to him on 25.10.2013.
- II. Any other order or direction which this Hon'ble Tribunal deems just and proper may also be passed in favour of the applicant.

III. Cost of the original application may also be awarded in favour of the applicant."

2. Learned counsel for the applicant stated that though a criminal case under Sections 147, 149, 323, 325 and 427 of IPC was registered against the applicant but since a compromise was arrived at between the parties, therefore, he was acquitted by the Court of Metropolitan Magistrate No. 13, Jaipur on 05th April, 2014. He further stated that the fact with regard to registration of criminal case was not disclosed by the applicant as the compromise between the parties, with the intervention of respectables of the society, had been arrived at by that time. Learned counsel for the applicant submitted that since the applicant stands acquitted, therefore, in view of principles laid down by the Hon'ble Supreme Court in the case of **Avtar Singh vs. Union of India & Ors.**, (2016) 8 SCC 471, his candidature for the post of Traffic Khallasi (Group 'D') could not have been rejected by the respondents.

3. Learned counsel for the applicant stated that the applicant would be satisfied if a direction is issued to the respondents to revisit the order dated 03.07.2014 (Annexure A/1) and a fresh order is passed in the light of principles laid down by the Hon'ble Supreme Court in **Avtar Singh's** case (supra).

4. In view of the above limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application with a direction to respondent no. 2 (Divisional Railway Manager, North Western Railway,

Ajmer) to revisit the order dated 03.07.2014 (Annexure A/1) and pass a reasoned and speaking order while keeping in view the principles laid down by the Hon'ble Supreme Court in **Avtar Singh's** case (supra). A further direction is issued that before taking any decision while revisiting the order dated 03.07.2014 (Annexure A/1), the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of two months from the date of receipt of a certified copy of this order.

Ordered accordingly. No order as to costs.

(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER

(SURESH KUMAR MONGA)
JUDICIAL MEMBER

Kumawat