

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Friday 7th day of December Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

THE HON'BLE MR. P. MADHAVAN, MEMBER (J)

O.A. 310/1616/2018

S. Maheiswaran, 31 years old,
S/o. Sivasubramanian,
Door No.5, Main Road,
Thirunallar Via Vizhidiyur Post,
Karaikal, Puducherry UT- 609 607.

....Applicant

(By Advocate: M/s. R. Nandha Kumar)

Versus

1. Union of India Rep. by
Govt. of Puducherry by its,
Chief Secretary to Government,
No:1, Gobert Avenue,
Puducherry- 605 001;
2. The Inspector General of Police,
Police Head Quarters,
No: 4, Dumas Street,
Puducherry- 605 001;
3. The Superintendent of Police (HQ),
Police Head Quarters,
No.4, Dumas Street,
Puducherry- 605 001.

...Respondents

(By Advocate: Mr.)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. Applicant has filed this OA seeking the following relief:-

"to call for the records related to memorandum No. 8/SP/(RC)/OW/2017-33 dated 12.10.2017 passed by the 3rd Respondent and to quash the same and consequently direct the 2nd respondent to appoint the applicant in Roll No. 301131, as Police Constable with effect from 24.07.2012, the date on which officer of appointment was originally given to the applicant and thus render justice."

2. It is submitted that the applicant was selected for the post of Police Constable but not granted appointment because of an involvement in a criminal case. However, the applicant had already been acquitted by the time he was selected for the post of Police Constable and, therefore, this fact could not be held against him. The matter was agitated before this Tribunal unsuccessfully in OA No. 915/2013.

3. Subsequently, the applicant filed Writ Petition No. 4165/2016 before the Hon'ble Madras High Court which was disposed of by a common order dated 24.2.2017 wherein the Chief Secretary was directed to place the case of the petitioners therein before the screening committee, which would examine the case of each of the petitioners therein in the light of the law laid down by the Hon'ble Supreme Court in Avtar Singh's case (2016 8 SCC 471) and take a decision one way or the other. The impugned Annexure-A14 communication dated 12.10.2017 came to be issued in pursuance

thereof, aggrieved by which the applicant is before this Tribunal in this second round of litigation.

4. Learned counsel for the applicant would argue that the communication of the respondents was cryptic as the applicant had merely been informed that the screening committee had re-examined his case and not recommended it since his case came under the ambit of offence of heinous/serious nature. There is no evidence of the matter having been considered in the light of the decision of the Hon'ble Apex Court in Avatar Singh (Supra), it is submitted.

5. On perusal, it is seen that the communication dated 12.10.2017 does not go beyond stating that the screening committee did not recommend the applicant's case as it came under the ambit of offences of heinous/serious nature. We are, therefore, of the view that ends of justice would be met in this case, if the respondents are directed to pass a reasoned and speaking order as to how the applicant's case was considered in the light of Avatar Singh supra and how the screening committee arrived at the conclusion that the applicant did not deserve to be recommended for the posting. This exercise should be completed within a period of three months from the date of receipt of copy of this order.

6. OA is disposed of in the above terms. No costs.

(P. MADHAVAN)
MEMBER (J)

(R. RAMANUJAM)
MEMBER (A)

07.12.2018