

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
CIRCUIT BENCH SITTING
AT KAVARATTI,
UT of LAKSHADWEEP

O.A.No.181/00893/2017

Friday this the 15th day of February 2019

C O R A M :

HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER

Anzar T.K., S/o.P.Pookoya,
Junior Engineer, Lakshadweep PWD, Chetlat,
Lakshadweep – 682 554.
Residing at Govt. Quarters,
Chetlat, Lakshadweep – 682 554.

...Applicant

(By Advocate Mr.M.R.Hariraj)

versus

1. Union of India represented by the Secretary to Government of India,
Ministry of Urban Development, New Delhi – 110 001.
2. The Administrator of Union Territory of Lakshadweep,
Kavaratti – 682 555.
3. The Superintending Engineer,
Lakshadweep PWD, Kavaratti – 682 555. ...Respondents

(By Advocate Mr.N.Anilkumar, SCGSC [R1] & Mr.S.Manu [R2-3])

This application having been heard on 15th February 2019 this Tribunal on the same day delivered the following :

ORDER

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

The grievance of the applicant is about the refusal of the respondents to consider him for appointment to the cadre of Assistant Engineer under the Lakshadweep Public Works Department (LPWD) on the ground that vigilance clearance is not available on account of an FIR having been

registered against him. He contends that there were vacancies in the cadre of Assistant Engineer from 2015 onwards and the offence for which FIR has been filed against him is only with regard to an incident in 2017. According to the applicant, there is no justification for debarring him for promotion on the ground that a FIR has been registered because no charge sheet has been framed by the Court so far. He cites the judgments of the Hon'ble Supreme Court in **Union of India v. K.V.Janakiraman (1991) 4 SCC 109** which held that registration of FIR alone should not stand in the way of granting promotion to the applicant. He also called to his assistance judgment of the Hon'ble Apex Court in **Bank of India v. Dejela Suryanarayana (1999) 5 SCC 762**.

2. In the light of the above, the O.A is disposed of by directing the respondents to consider the case of the applicant in view of the two judgments of the Apex Court referred to and take a well considered decision within a period three months from the date of receipt of a copy of this order. No order as to costs.

(Dated this the 15th day of February 2019)

**ASHISH KALIA
JUDICIAL MEMBER**

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**E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER**

List of annexures in O.A.No.181/893/2017

Annexure A-1 – A true copy of the order No.3/3/2013-C-1(Part) dated 22.7.2015.

Annexure A-2 – A true copy of the representation along with request for personal audience dated 19.1.2017.

Annexure R-2(A) – True copy of the Recruitment Rules for the post of Assistant Engineer.

Annexure R-2(B) – True copy of the intimation letter received the Officer in Charge, Kavaratti Police Station, Kavaratti.
