

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 150/2014

Date of decision: 15.07.2019

Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhaya, Member (A)

Vishram Meena son of Shri Bhorelal Meena, Age about 33 years, Resident of Village Salwadi, Tehsil Kathumar, District Alwar (Rajasthan).

...Applicant.

(By Advocate: Shri R.V.Choudhary for Shri Aatish Jain)

Versus

1. Union of India, through Secretary, Ministry of Defence, Department of Defence Production, New Delhi.
2. General Manager Ordinance Factory Board, Vehicle Factory Board, Jabalpur (Madhya Pradesh).
3. Addl. General Manager/Admin., Ordinance Factory Board, Vehicle Factory Board, Jabalpur (Madhya Pradesh).
4. Joint General Manager/Administration, Ordinance Factory Board, Vehicle Factory Board, Jabalpur (Madhya Pradesh).

...Respondents.

(By Advocate: Shri Rajendra Vaish)

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

Pursuant to an advertisement dated 17/23.12.2011 issued by the respondents, the applicant applied for the post of Fitter

(2)

General (Semi Skilled). Admittedly, the applicant qualified the written examination which was conducted by the respondents on 22.07.2012. However, before appointment of the applicant, a verification of his character antecedents was required from the concerned District Magistrate. On receipt of report from the District Magistrate, Alwar on 10.01.2013, it revealed that the applicant was involved in an FIR case registered under Sections 323, 341 and 427 of the Indian Penal Code. However, in the said FIR case, a compromise was arrived at between the parties. On the basis of said compromise, the applicant herein was acquitted by the Judicial Magistrate, Alwar. But still the respondents rejected his candidature declining him appointment on the post in question. Aggrieved by the said action of the respondents, the applicant has invoked the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

2. At the very outset, Shri R.V.Choudhary appearing as proxy for Shri Aatish Jain learned counsel for the applicant submitted that the applicant would be satisfied if a direction is issued to respondents to revisit the order dated 11.10.2013 (Annexure A/1) and pass a fresh order in the light of a judgment of the Hon'ble Supreme Court in the case of **Avtar Singh vs. Union of India & Others** (2018) 1 SCC 268.

(3)

3. In view of the above, we deem it appropriate to dispose of the present Original Application with a direction to respondent No.2 to revisit the order dated 11.10.2013 (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** (supra). A further direction is issued that before taking any decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of three months from the date of receipt of a certified copy of this order.

4. Ordered accordingly. No order as to costs.

(A.Mukhopadhaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/