

CENTRAL ADMINISTRATIVE TRIBUNAL

**ERNAKULAM BENCH
CIRCUIT BENCH SITTING
AT KAVARATTI
UT OF LAKSHADWEEP**

Original Application No.181/00718/2016

Friday, this the 13th day of December, 2019

**HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

M.Mohammed Abdurahiman Shihab, aged 27 years
S/o.P.P.Kunjikoya Mampuram (H), Amini Island
Union Territory of Lakshadweep 682552

..... **Applicant**

(By Advocate – Party-in-person)

V e r s u s

1.	Administrator Office of the Lakshadweep Administration Kavartti Island Union Territory of Lakshadweep – 682 555	
2.	Superintendent of Police Union Territory of Lakshadweep Kavartti Island, Pin – 682 555	
3.	The Inspector of Police Amini Police Station, Amini Union Territory of Lakshadweep – 682 552 Respondents

(By Advocate – Mr.S.Manu)

This Original Application having been heard on 13.12.2019, the Tribunal on the same day delivered the following:

ORDER (ORAL)

JUSTICE L.NARASIMHA REDDY, CHAIRMAN

The respondents issued a notification inviting applications for selection and appointment to the post of Fireman/Driving Operator in the Fire Service of Lakshadweep Administration. The applicant responded to the same. He was included in the select list also, but was not issued the order of appointment.

2. This OA is filed with a prayer to direct the respondents to issue order of appointment to the applicant on the basis of inclusion of his name in the select list, and to extend the other benefits. The applicant contends that once he was selected and included in the list, there was absolutely no justification for the respondents, to deny him appointment, particularly, when the others in the list were appointed.

3. The respondents have filed the counter affidavit opposing the OA. It is stated that against the applicant an FIR was lodged pertaining to his involvement in a criminal case. It is stated that the applicant mentioned that nothing is pending against him, whereas on verification, it was found that he was accused in a criminal case, i.e., CC No.24/2011.

4. Though the OA was filed in person, the applicant did not turn up on past several occasions. It is also stated that

notice issued to him did not yield to any response. We perused the record and heard the learned counsel for the respondents.

5. It is the matter of record that the name of the applicant was included in the select list. However, at the time of issuing of orders, the respondents have undertaken the verification of antecedents. While applying for the post, the applicant mentioned that no criminal case is pending against him, whereas he figured as an accused in CC No.24/2011 on the file of the Judicial First class Magistrate Court, Amini as on 08.01.2013, the date on which he submitted application. It is also stated that the mere fact that the applicant was acquitted at the later point of time, does not make any difference.

6. We do not find any merit in the application. It is accordingly dismissed. No costs.

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

**(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN**

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List of Annexures

Annexure A-1 - The true copy of the notification F.No.10/25/1996AC(F)(3) dated 1.1.2013 issued by the 2nd respondent

Annexure A2 - A true copy of the selection list bearing No.10/25/1996-AC(F) dated 4/3/2015 issued by the 2nd respondent

Annexure A3 - A true copy of the offer letter dated 1/7/2015 in F.No.10/25/1996-AC(F)/2109 issued by the 2nd respondent

Annexure A4 - A true copy of the judgment dated 19.1.2013 in C.C. No.24/2011 of Hon'ble Judicial First Class Magistrate Court, Amini

Annexure A5 - A true copy of the appointment order No.1/13/88-Estt(pol) /3

Annexure A6 - A true copy of the order No.1/9/2001 – Estt(pol) dated 25.3.2006

Annexure A7 - A true copy of the order dated 7/7/2015 of the Hon'ble Central Administrative Tribunal, Ernakulam Bench in O.A No.181/00067/2015

Annexure R1(a) - A true copy of the application submitted by the applicant

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