

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

O.A.No.654/2016

Date of decision : October 11, 2019.

**Coram: Dr.Bhagwan Sahai, Member (Administrative)
R.N. Singh, Member (Judicial).**

Madhav S/o Devidas Adhe,
Age 24 years,
Occ. Student,
R/o. Gulkahnd Tanda Post.
Pangari Gosavi,
Tal: Mantha, Dist.Jalna-431501.

.. applicants.

(By Advocate Shri V. Sangvikar).

Versus

1. Government of India
Through its Secretary
ministry of Defence,
Shastri Bhavan,
New Delhi-110001.
2. Military hospital, CTC
Though Major, OIC,
Civ Estt,
Pune-411 040.
3. Commissioner of Police,
Aurangabad-431001.
4. Police Inspector,
Police Station Mukundwadi,
Aurangabad-431 001.

.. Respondents.

(By Advocate Ms. Vaishali Choudhari).

O R D E R (O R A L)

Per : R. N. Singh, Member (Judicial)

Present.

1. Shri Nomaan Coatwala, proxy counsel for Shri
V. Sangvikar, learned counsel for the applicant.

2. Ms. Vaishali Choudhari, learned counsel for the respondents.
3. In the present case the applicant has challenged the order dated 27.08.2016 (Annexure A-1) vide which the request of the applicant for provisional appointment to the post of Stenographer Grade-II at Military Hospital (CTC), Pune-40 in view of the selection vide order dated 04.06.2015 has been rejected by the respondents on the ground that on police verification the respondents have come to know about the pending criminal case against the applicant.
4. The learned counsel for the applicant submits that during the pendency of the OA the applicant has been exonerated honorably by the concerned court in the said FIR vide order/judgment dated 26.02.2019 (Annexure Exhibit-A to the rejoinder). He further submits that in view of the law laid down by the Hon'ble Apex Court in case of Avatar Singh Vs. Union of India and others reported in AIR 2016 SC 3598, the respondents are duty bound to reconsider the impugned rejection ~~of the~~ order dated 27.08.2016.
5. However, the learned counsel for the applicant submits that the applicant has not made any

request to the respondents after his being acquitted honorably on 26.02.2019 in the aforesaid criminal case.

6. In view of the aforesaid, the OA is disposed of with liberty to the applicant to make comprehensive representation to the concerned authority under the respondents raising his grievances within four weeks from today and if such representation is filed by the applicant, the respondents are directed to pass an appropriate reasoned and speaking order within 10 weeks from the date of receipt of such representation.

7. We make it clear that we have not expressed our opinion on merits of the claim of the applicant.

8. The OA is disposed of in the above terms. No costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

V.

JD
22/10/19

