
(2018) 09 CAT CK 0125

In the Central Administrative Tribunal

Case No : Original Application No. 4511 Of 2013

Manoj Kumar

APPELLANT

Vs

Delhi Transport Corporation And Ors

RESPONDENT

Date of Decision : 14-09-2018

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 302, 307, 323, 452, 506

Citation : (2018) 09 CAT CK 0125

Hon'ble Judges : Nita Chowdhury, Member (A), S.N. Terdal, J

Bench : Division Bench

Advocate : Yogesh Sharma, Chander Shekhar, Karunesh Tandon

Final Decision : Dismissed

Judgement

S.N. Terdal, J

1. Heard Shri Yogesh Sharma counsel for applicant and Mr. Karunesh Tandon, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In the OA, the applicant has prayed for the following reliefs:

"(i) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 25.10.2013.

(ii) That the Hon'ble Tribunal may graciously be pleased to pass an order declaring to the effect that the whole action of the respondents not issuing the appointment order to the applicant to the post of Driver in DTC as per offer of appointment order dated 17.02.2011 is illegal, arbitrary and discriminatory and consequently, pass an order directing the respondents to consider and to issue an appropriate appointment order to the applicant to the post of Driver in DTC with all consequential benefits from the date of appointment of junior and similarly situated persons.

(iii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be

granted to the applicants along with the costs of litigation."

3. The relevant facts of the case are that in response to the advertisement of November 2009, the applicant had applied for the post of Driver in DTC. After the applicant fulfilling the requirements, he was provisionally selected and provisional selection order was issued on 6.12.2010. The applicant as per the requirement submitted prescribed form no.17 on 23.02.2011, wherein he had stated that there is no court case pending against him. Thereafter on verification, the SHO, Police Station-Mohana (Sonapat) vide report dated 19.05.2011 intimated to the respondent-DTC that the applicant was involved in a case registered under section 148, 149, 307, 323, 452, 506 & 302 IPC and he is missing. It was also intimated by the said SHO that as and when the applicant report to DTC, the police may be informed. Subsequently the applicant intimated the respondent-DTC by way of affidavit that the above stated case was decided in his favour vide order dated 22.04.2011 acquitting him on merit. However, by the impugned order dated 28.10.2013 his provisional selection was cancelled holding that the said acquittal was not on merit. The counsel for the applicant referring to the said acquittal order dated 09.02.2012 passed by the court of Mrs. Ritu Garg, Additional District & Session Judge, Sonapat submitted that the said acquittal is honourable and on merit and he further submitted that consequently the impugned order be set aside. The counsel for the respondents took us through the said judgment of acquittal dated 09.02.2012. From the perusal of the entire judgment, it is crystal clear that the applicant had won over all the prosecution witnesses and, therefore, they had turned hostile. As such, as rightly submitted by the respondents the acquittal is not on merit. As such the OA is devoid of merit.

4. Accordingly, OA is dismissed. No order as to costs.