

(2022) 11 PAT CK 0020

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 19201 Of 2019

Mukesh Kumar

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 07-11-2022

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2022) 11 PAT CK 0020

Hon'ble Judges : P. B. Bajanthri, J;Purnendu Singh, J

Bench : Division Bench

Advocate : Hemant Kumar Karan, Ravinder Kumar Sharma

Final Decision : Dismissed

Judgement

The instant petition, petitioner has prayed for following relief:

A. To set aside Order dated 28.05.2019, passed by Ld. CAT Patna Bench in the case of petitioner bearing O.A./050/00643/2015 with MA/050/00142/2016, as contained in Annexure-P/9, whereby the claim of petitioner for his appointment on the post of GDSBPM at Chapramegh Branch Post Office in account with Silout Sub Post Office, District-Muzaffarpur has been dismissed.

B. To set aside Memo No.A117/Chapramegh dtd 26.06.2015, issued by Respondent No.-4, as contained in Annexure- P/5, whereby engagement Memo of petitioner dtd 12.01.2015, against the post of GDSBPM at Chapramegh Branch Post Office in account with Silout Sub Post Office, in Muzaffarpur Postal Division, was cancelled in incorrect application of rule/law.

C. To set aside Memo No. A-117/Chapramegh Dated 26.06.2015, issued by Respondent No.-4, as contained in Annexure-P/6, whereby Respondent No.-5, has erroneously been appointed against the post of GDSBPM at Chapramegh Branch Post Office in account with Silout Sub Post Office in Muzaffarpur Postal Division.

D. For a direction upon respondent No.-4, the Sr. Superintendent of Post Offices, Muzaffarpur Division, Muzaffarpur to consider the case of appointment of petitioner against the post of GDSBPM at Chapramegh Branch Post Office in account with Silout Sub Post Office in Muzaffarpur Postal Division, with all consequential benefits by restoring his appointment order issued vide Memo No. A-117/Chapramegh Dated at Muzaffarpur, the 12.01.2015, as contained in Annexure-P/2 with all consequential benefits.

E. Any other incidental, consequential or other relief/reliefs, to which the petitioner is found entitled in the eye of law.

2. The respondents have advertised for the post of GDSBPM on 21.12.2013. The petitioner is one of the candidates for recruitment and he was offered appointment on 12.01.2015, however, he was not permitted to join service due to administrative reasons. In the meanwhile, on 17.11.2014, the petitioner had submitted self-declaration in which he has suppressed the material information that he was involved in a criminal case in particularly F.I.R. No. 54 of 2014 dated 04.05.2014 in Muzaffarpur (East) SC/ST Police Station.

3. Having regard to the fact that official respondents have verified the antecedents of the petitioner before permitting him to join the service and they found that petitioner was involved in criminal case and he had suppressed while giving declaration on 17.11.2014 in the result he was denied benefit of offer of appointment dated 12.01.2015 in permitting him to join service.

4. Feeling aggrieved and dissatisfied with the action of the respondents, petitioner invoked remedy under Section 19 of the Administrative Tribunal Act before the Central Administrative Tribunal in O.A./050/00643/2015 with MA/050/00142/2016 and suffered an order on 28.05.2019, hence the present writ petition.

5. Learned counsel for the petitioner vehemently contended that as on the date of advertisement and submission of application, he was not facing criminal proceedings. It is submitted that he had been acquitted during pendency of the litigation, therefore, he is entitled to be appointed to the post of GDSBPM pursuant to the offer of appointment dated 12.01.2015.

6. On the other hand, learned counsel for the official respondents resisted the aforesaid contentions and submitted that the petitioner has suppressed the material information that he was involved in a criminal case in particularly F.I.R. No. 54 of 2014 dated 04.05.2014 while submitting declaration on 17.11.2014.

7. Having regard to the conduct of the petitioner to the extent that he has suppressed material information at the time of joining service itself, therefore, he is not entitled to the relief sought before the Central Administrative Tribunal and there is no infirmity in the order of the tribunal.

8. Heard learned counsel for the respective parties.

9. The petitioner was a candidate for recruitment to the post of GDSBPM. He was offered appointment on 12.01.2015, the same was not given effect in the sense that he was not permitted to join service. Official respondents proceeded to verify the antecedents of the petitioner, wherein they found that petitioner was involved in a criminal case in particularly F.I.R. No. 54 of 2014 dated 04.05.2014 and such involvement is contrary to the self declaration furnished by the petitioner dated 17.11.2014, wherein he has indicated that he is not involved in any criminal case and it is contrary to F.I.R. No. 54 of 2014 dated 04.05.2014 in Muzaffarpur (East) SC/ST Police Station.

10. In the light of these facts and circumstances, the petitioner has not made out a case so as to interfere with the order of the Central Administrative Tribunal passed in O.A./050/00643/2015 with MA/050/00142/2016 dated 28.05.2019.

11. Accordingly, petition stands dismissed.