

(2019) 09 PAT CK 0107

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 19127 Of 2019

Ramesh Kumar Ram

APPELLANT

Vs

Union Of India Through The D.G And Ors

RESPONDENT

Date of Decision : 17-09-2019

Acts Referred:

Citation : (2019) 09 PAT CK 0107

Hon'ble Judges : Amreshwar Pratap Sahi, CJ; Ashutosh Kumar, J

Bench : Division Bench

Advocate : Hemant Kumar Karan, Naresh Dikshit, Sumit Shekhar Pandey

Final Decision : Dismissed

Judgement

Heard the learned counsel for the petitioner and the counsel appearing for the Postal Department.

The learned counsel for the petitioner contends that mere involvement in a criminal case will not be sufficient to deny an opportunity of employment to the petitioner and for that learned counsel for the petitioner has invited the attention of the Court to a decision of the Tribunal which has been stated in paragraph "c" of the grounds taken in the present writ petition.

It is urged that the Respondent No. 7, namely, Smt. Nilam Devi, was lower in merit than the petitioner which fact is admitted on record and therefore any appointment offered to her is contrary to the Rules.

It is undisputed that the petitioner was at serial no. 2 in the merit-list and the Respondent No. 7 was at serial no. 4. The Respondent No. 7 had been appointed and on complaint it was cancelled on 30th of March, 2010. She challenged it before the Tribunal and after recording its findings a direction was issued to issue a fresh offer of appointment in accordance with the merit.

It appears that Respondent No. 7 again succeeded in getting appointed which has now been challenged by the present petitioner through Original Application

before the Central Administrative Tribunal, the judgement whereof has given rise to the present controversy.

The Tribunal has recorded two clear findings; firstly that charge-sheet had been submitted against the petitioner in two criminal cases which fact surfaced during police verification. The second is that the petitioner had obtained a certificate from the Police Department through an official who has denied the issuance of such a certificate.

We have considered the submissions raised and on both counts we find that findings recorded by the Tribunal cannot be tinkered with inasmuch as the filing of the charge-sheet in the two criminal cases against the petitioner has not been disputed. The issuance of the certificate which has been denied by the police official himself has therefore added further to the fact of an employment being sought on the basis of a certificate which does not appear to have been issued by the appropriate authority. In essence, the claim of employment of the petitioner be denied on the ground of his being involved in a criminal case and taking recourse to a certificate which was otherwise invalid.

We see no reason to interfere with the impugned order. The writ petition is dismissed accordingly.