

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2017

CORAM

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

**Review Application (Writ) Nos.114 and 115 of 2015
In
W.P.Nos.1196 and 1221 of 2015**

M.Jayaramachandran	... Applicant in Rev.Aplw.114/2015
K.Damodaran	... Applicant in Rev.Aplw.115/2015

Vs.

- 1.Union Territory of Puducherry
Represented by the Chief Secretary to Govt.,
Puducherry – 1.
- 2.The Superintendent of Police
Head Quarters,
Government of Puducherry,
Puducherry – 1.
- 3.Central Administrative Tribunal,
By its Registrar,
High Court Campus,
Chennai 104. ... Respondents in both Rev.Aplws.

Common Prayer:

Review applications filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code praying to review its judgment in W.P.Nos.1196 and 1221 of 2015 respectively, dated 22.01.2015.

For Applicants : Mr.J.Srinivasa Mohan
For Respondents : Mr.Syed Mustafa
Special Government Pleader
(Pondicherry)

COMMON ORDER

(Order of the Court was made by K.K.SASIDHARAN,J.)

These two review applicants seek review of the order dated 22.01.2015 in W.P.Nos.1196 and 1221 of 2015 respectively, dismissing the writ petitions filed by the review applicants in the respective review applications, upholding the decision taken by the Central Administrative Tribunal in O.A.Nos.821 and 823 of 2013.

2.Heard the learned counsel appearing for the review applicant in both the review applications. We have also heard the learned Special Government Pleader (Pondicherry) appearing on behalf of the respondents 1 and 2.

3.The applicant in the respective review applications submitted applications for appointment to the post of Police Constable pursuant to the Notification dated 18.11.2010. The applicants were given appointment orders giving them appointment in Pondicherry Police

Service. Subsequently on verification, it was found that they were involved in a criminal case resulting in conviction by the Criminal Court. The second respondent therefore, cancelled the appointment. Feeling aggrieved, the applicants challenged the order terminating their services before the Central Administrative Tribunal. The Tribunal found that the applicants failed to disclose the factum of their conviction in their attestation forms and as such, the Police Department was justified in cancelling their appointment. Those two orders were un-successfully challenged before this Court in W.P.Nos.1196 and 1221 of 2015.

4.The review applications were filed on the ground that the Screening Committee constituted for considering the antecedents of the candidates recommended the cases of 45 candidates inspite of the fact that they were also convicted by the Criminal Court. According to the applicants, they are also similarly situated and this aspect was not considered by this Court earlier.

5.The fact that Screening Committee failed to consider the case of the applicants in a proper perspective cannot be a reason to review the order passed by the Division Bench. However, there is another factor in this case, the benefit of which, should be given to the

applicants in the review applications also.

6.The connected writ petitions filed by the non selected candidates on account of their involvement in criminal case came before a Division Bench, in W.P.Nos.1241 of 2015 etc., batch. This Court, taking into account the recent judgment of the Hon'ble Supreme Court in ***Avtar Singh Vs. Union of India and others [(2016) 8 SCC 471]*** directed the Government of Pondicherry to place the matter before the Screening Committee. Since the Government is now seized of the matter with regard to the appointment of seven other candidates, we are of the view that the case of the applicants should also to be placed before the Screening Committee.

7.The operative portion of the order dated 24.02.2017 in W.P.Nos.1241 of 2015 etc., batch is extracted below so as to enable the Committee to consider the case of the applicants:

"9.The Government of Puducherry vide order in G.O.Ms.No.6 Home Department, dated 4 February 2013 constituted a Screening Committee for examining the cases of candidates selected for the post of Police Constables. We direct the first respondent to place the matter before the very same Committee

with appropriate changes, in case of vacancies in the Committee on account of retirement. The Chief Secretary is directed to place the case of the petitioners herein before the said Committee. The Screening Committee shall examine the case of each of the petitioners individually in the light of the law laid down by the Hon'ble Supreme Court in Avtar Singh case (cited supra) and take a decision one way or the other. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order."

8.We direct the respondents 1 and 2 to consider the case of the applicants in accordance with the directions contained in para 9 of the order dated 24.02.2017 extracted as above.

9.The review applications are disposed of with the above direction. No costs.

[K.K.S.,J.] [M.V.M.,J.]
23.06.2017

pri/kas
 Speaking Order/ Non Speaking Order
 Index: Yes / No
 Internet: Yes / No

**K.K.SASIDHARAN,J.
And
M.V.MURALIDARAN,J.**

pri/kas

To

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