

Court No. - 6

Case :- WRIT - A No. - 11685 of 2024

Petitioner :- Krishna Kumar

Respondent :- Union Of India Central Railway Thru. Manager C.S.J.M. Terminus Mumbai And 3 Others

Counsel for Petitioner :- Ramakant Sahu,Shambhu Shanker,Vinay Kumar

Counsel for Respondent :- A.S.G.I.

Hon'ble Alok Mathur,J.

1. Heard Sri Ramakant Sahu, learned counsel for petitioner as well as Sri Varun Pandey, learned counsel for respondents.
2. By means of present writ petition, the petitioner has sought a direction to the Divisional Officer P/Recruitment Personnel Branch, Mumbai CSMT to allow the petitioner to join on Group 'D' of Level-I, Central Railway and further to decide his representation dated 16.11.2024.
3. It has been submitted that the petitioner had applied for recruitment to the post of Group 'D' of Level-I in Central Railway. In the recruitment process, the petitioner was successful and a joining letter has also been issued on 08.06.2023. In the attestation form submitted by the petitioner, he has disclosed that a criminal case is pending against him which was initiated by lodging a F.I.R. No. 269 of 2016 under Section 323, 452, 501, 308 I.P.C. pending before A.C.J.M., Ayodhya bearing Criminal Case No. 93 of 2024.
4. He has submitted that despite issuance of the joining letter, the petitioner has not been permitted to join nor has the respondents taken any decision on the representation of the petitioner dated 16.11.2024. He further submits that respondent no. 4 is required to take a decision considering the criminal case pending against the petitioner as to whether the petitioner is fit for being permitted to join in the Indian Railway. He further submits that this aspect of the matter has been considered by the judgment of the Supreme Court and also lastly in the case of **Avatar Singh Vs. Union of India, 2016 (8) SCC 471** and consequently prays that the representation of the petitioner may be decided and in case the representation is allowed then petitioner may be allowed to join on the said post forthwith.
5. Learned counsel for respondents does not object to the

innocuous prayer made by learned counsel for petitioner.

6. Accordingly, the writ petition is disposed of with a direction to respondent No. 4 i.e. Divisional Officer P/Recruitment Personnel Branch, Mumbai CSMT to decide the representation dated 16.11.2024 as contained as Annexure No. 3 to the writ petition expeditiously, say, within a period of six weeks from the date a certified copy of this order is produced before him in accordance with law and communicate the decision to the petitioner.

(Alok Mathur, J.)

Order Date :- 6.12.2024

Ravi/