

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19136 of 2024

Manish Kumar Son of Late Shyam Nandan Prasad Ex- Fireman Office of the General Manager, Mobile System Complex (MSC) Defence Research and Development Organization (DRDO) Government of India, Ministry of Defence, Post Box No.- 20, Pune- 412101 (Maharashtra) Resident of Bhatubigha, P.S.- Ekangarsarai, District- Nalanda- 801301 (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Defence, Government of India, New Delhi- 110001.
2. The Director General (ACE), Defence Research and Development Organization, Ministry of Defence, Government of India, Dr. Homi Bhabha Road, Pasan, Pune- 412021 (Maharashtra).
3. The Director, Centre for Personnel Talent Management (Ceptam), Defence Research and Development Organization, Ministry of Defence, Government of India, Metcalfe House, New Delhi- 110054.
4. The General Manager, Mobile System Centre (MSC), Ministry of Defence, Government of India, Post Box No.- 20, Pune- 412101 (Maharashtra).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Munna Pd Dixit, Advocate Mr. S.K. Dixit, Advocate Mr. S. K. Chaubey, Advocate Mr. Shailendra Kumar, Advocate Mr. Punit Ranjan Dixit, Advocate Mr. Milind Raj Dixit, Advocate Ms. Swastika, Advocate
For the Union of India	:	Mr. Rana Vikram Singh, DSG
For CGC	:	Ms. Poonam Kri. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-05-2025

In the instant writ petition, petitioner has prayed for the following reliefs :

“(A) For issuance of Writ in the nature of Certiorari for quashing / setting aside the



Order dated 13.11.2024 passed by the Learned Central Administrative Tribunal, Patna Bench, Patna herein after CAT in Original Application No.050/00319 of 2024 as contained in Annexure-P/1 to the writ application whereby the request/prayer of Petitioner to quash and set aside the termination order dated 10.05.2024 as contained in Annexure A/1 with Paper-Book, has been rejected illegally without application of judicious mind.

(B) For issuance of Writ in the nature of Certiorari for quashing / setting aside the Order of termination order dated 10.05.2024 as contained in Annexure A/1 with Paper-Book.

(C) For issuance of Writ / order / Orders in the nature of mandamus commanding the respondents to reinstate the Petitioner in service henceforth.

(D) For issuance of Writ/Order/Orders in the nature of mandamus commanding the respondents to grant all consequential benefits in favor of Petitioner including arrears of salary from the date of his termination till the date of reinstatement in service together with statutory interest there upon.

(E) Any other appropriate relief/reliefs for which the Petitioner may be entitled, to be granted by this Hon'ble Court along with all consequential benefits."

2. Petitioner – *Manish Kumar* was a candidate for recruitment to the post of Fireman (Post Code – 11011). He was selected and appointed. At the time of verification of antecedents, respondents noticed that petitioner is facing criminal proceedings and he has not disclosed the same to the selecting / appointing authority. Resultantly, order of termination has been notified on 10.05.2024 with reference to the conditions imposed in the order



of appointment dated 27.10.2023. Feeling aggrieved by the order of termination, petitioner invoked remedy before the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as 'the CAT') under Section 19 of the Administrative Tribunals Act, 1985 and suffered an order. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that termination order dated 10.05.2024 is dearth of material information so also there is a reference to Rule 11 of CCS (CCA) Rules, 1965 and no notice has been given. In such circumstances, the petitioner is entitled to have the benefit of appointment in the light of the Hon'ble Supreme Court decision in the case of ***Ravindra Kumar vs. State of Uttar Pradesh and Others*** reported in **(2024) 5 SCC 264**. He has also relied on Co-ordinate Bench decision in Paragraph No. 10 in **LPA No. 465 of 2019** decided on 08.09.2022 in the case of ***Shivam Kumar vs. The Union of India and Others***.

4. *Per contra*, learned counsel for the respondents resisted the aforementioned contentions and submitted that merely quoting wrong provision in the order of termination that does not vitiate the termination order as held by judicial pronouncements from time to time. It is further submitted that order of termination dated 10.05.2024 is strictly in accordance with conditions imposed



in the order of appointment dated 27.10.2023. In this regard, he has cited Paragraph No. 2 (a) of the order of appointment dated 27.10.2023. It is further submitted that the cited decisions on behalf of the petitioner are distinguishable on the sole ground that petitioner has suppressed material information. In those cases respective parties have been acquitted in criminal cases whereas in the present case, petitioner has not been acquitted as on this day, therefore, the petitioner has not made out a case so as to interfere with the order dated 13.11.2024 passed in O.A. No.050/00319 of 2024.

5. Heard learned counsels for the respective parties.

6. The petitioner is a candidate for recruitment to the post of Fireman (Post Code – 11011) pursuant to the Advertisement dated 07.11.2022. He was selected and appointed with certain conditions imposed in the order of appointment dated 27.10.2023 *vide* Annexure – A/3. In terms of the conditions imposed, the official respondent proceeded to have the benefit of antecedents and other documents relating to the petitioner, thereafter, they have found that petitioner was involved in the criminal case and it has been suppressed by the petitioner insofar as participation, selection and appointment to the post of Fireman. The respondents have taken note of the aforementioned material



and proceeded to terminate the services of the petitioner on 10.05.2024. Termination order is subject matter of O.A. No. 050/00319 of 2024.

7. Learned counsel for the petitioner submitted that no show cause notice has been issued and so also conditions stipulated in the order of appointment dated 27.10.2023 has not been adhered to. He is also relying on two decisions cited *supra*. The aforementioned material is not sufficient to interfere with the CAT order read with the termination order, for the reasons that order of appointment is crystal clear insofar as number of conditions stipulated therein. Merely quoting wrong provision of law in the order of termination that does not vitiate termination order. However, perusal of the records, it is evident that petitioner had suppressed the pendency of criminal case against him while submitting application for the post of Fireman read with his appointment and he has not been acquitted as on this day so as to take the assistance of the decisions cited on behalf of the petitioner.

8. In the light of these facts and circumstances, the petitioner has not made out a case so as to interfere with the impugned order of termination dated 10.05.2024 read with the order of the CAT dated 13.11.2024.



9. Learned counsel for the petitioner submitted that the petitioner is entitled to certain monetary benefits insofar as not issuing notice to the petitioner and also discharging the duties of the post for some time. In this regard, the concerned authority is hereby directed to take note of material information and extend whatever the monetary benefits which are due to petitioner, for the reasons that rightly or wrongly he had discharged the duties of the post of Fireman for some time. The same shall be extended within a period of three months.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2025
Transmission Date	NA

