

**Central Administrative Tribunal
Principal Bench**



**OA No.723/2017
MA No.3933/2019**

New Delhi, this the 17th day of January, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Macchita Malik, Aged 34 years,
Group 'A',
S/o Shri Satvir Singh Malik,
R/o 232, Pocket-1,
Green Hill Apartments,
Sector-23, Rohini,
New Delhi.

...Applicant

(By Advocate : Shri Yashpal Rangi)

Versus

Union of India & Ors., through :

1. The Secretary,
Ministry of Personnel,
Public Grievances & Pensions,
Department of Personnel & Training,
Govt. of India, New Delhi.
2. The Director (AIS),
Ministry of Home Affairs,
Department of Personnel & Training,
North Block, New Delhi.

...Respondents

(By Advocate : Shri Rajeev Kumar)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The applicant took part in the Civil Service Examination, 2012. He was successful till the last stage and when the service allocation was to take place, it was alleged that the applicant resorted to unfair means in an examination conducted by the Staff Selection Commission (SSC). FIR No.73/2013 was registered under Section 420/464/465/468/471/511/ 120-B/34 IPC & 66 IT Act. On 15.07.2016, the applicant was informed that in view of the ongoing investigation, the service allocation is yet to be undertaken. This OA is filed with a prayer to declare the action of the respondents in not appointing the applicant, on the basis of his performance in Civil Service Examination, 2012, as illegal and arbitrary and direct them to consider his case for appointment on the basis of his merit.

2. Respondents filed counter affidavit opposing the OA. It is stated the once the applicant is facing trial in a criminal case, he cannot be allocated into any service. Various contentions advanced by the applicant are also denied.



3. We heard Shri Yashpal Rangi, learned counsel for the applicant and Shri Rajeev Kumar, learned counsel for the respondents.

4. Respondents did not dispute that the applicant was selected for Civil Service Examination for the year 2012. However, the service allocation could not be made, on account of the registration of FIR against him. Once the applicant figured as an accused in a criminal case, the respondents cannot be expected to allocate him to any service. To that extent, the view taken by the respondents cannot be found fault with.

5. Certain important developments have taken place during the pendency of the OA. It is stated that the applicant was discharged in the criminal case registered against him through an order dated 06.04.2019, passed by the Trial Court. It is also stated that the revision filed before the Court of Additional Session Judge, by the respondents, was dismissed on 26.08.2019. The applicant made a representation on 02.09.2019, bringing these facts to the notice of the respondents. The same needs to be verified and necessary steps be taken.



6. We, therefore, dispose of the OA, directing the respondents to pass orders on the representation submitted by the applicant on 02.09.2019, in accordance with law, within a period of two months, from the date of receipt of a certified copy of this order.

Pending MAs, if any, shall stand disposed of.

There shall be no orders as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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