

8

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. NO. 1839 of 1996.

New Delhi, dated this the 8th January, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Anil Kumar,
S/o Shri Chet Ram,
R/o H. No. 62,
Moti Bagh Village,
New Delhi-110021. APPLICANT

(By Advocate: Shri R.V.Sinha)

VERSUS

1. Commissioner of Police,
Delhi Police,
Police Headquarters,
I.P. Estate,
New Delhi-110002.
2. Union of India,
Ministry of Home Affairs,
North Block,
New Delhi. RESPONDENTS

(By Advocate: Shri Arun Bhardwaj)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Applicant seeks a direction to respondents to issue him appointment letter for the post of S.I. Police (Executive) against his selection for that post on the basis of the Staff Selection Commission Exam., 1994.

2. Respondents admit that other formalities have been completed but during character verification it was found that he was arrested in a case FIR No.239/95 dated 4.5.96 under Section 325/323/324 I.P.C. which is pending trial in Court, and as per circular dated 12.9.83 (Ann. R-1) candidature of such candidates against whom court case is still pending will be held in abeyance till the decision in that case.
3. Applicant has impugned that circular in his rejoinder (he did not do so in the O.A.). He does not deny the factum of pending criminal case, but contends that the alleged ~~offences~~ are frivolous, concocted and lodged against him after great delay for ulterior motive owing to family feud. He also relies upon the CAT, Principal Bench judgement dated 19.12.89 in O.A. No. 2213/89 Girish Bhardwaj vs. U.O.I.
4. That O.A. related to C.B.I. The present O.A. relates to Delhi Police and as respondents' action is fully covered by their circular dated 12.9.83 we see no reason to interfere with the same. We are fortified in our view by the ratio of the judgment in Delhi Administration Vs. Sushil Kumar JT 1996 (10) SC 34. In that case on the basis of

A.

✓
10

character antecedents the applicant was found unfit for recruitment as an S.I. in Delhi Police, although he had been acquitted in a criminal case u/s 304 I.P.C. The Hon'ble Supreme Court had held that character verification was an important criteria and the Tribunal had erred in directing reconsideration based on acquittal. In the present case the applicant has not even received an acquittal and the case is still pending. Furthermore his candidature has not been rejected but only kept in abeyance pending disposal of the criminal case.

5. Under the circumstances the O.A. warrants no interference at this stage. It is dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

/GK/

S.R. Adige

(S.R. Adige)
Member (A)