

Item No.25



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No.3372/2016
M.A. No. 262/2021**

This the 2nd day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Smt. Priti Poddar, aged about 37 years,
11/379, Vasundhara,
Ghaziabad,
Uttar Pradesh-201012.

...Applicant

(By Advocate:Mr. S.D. Windlesh)

Versus

1. East Delhi Municipal Corporation,
Through its Commissioner,
419, Udyog Sadan, Patparganj Industrial Area,
Delhi-110092.
2. Deputy Director of Education (HQ),
Education Department,
East Delhi Municipal Corporation,
419, Udyog Sadan, Patparganj Industrial Area,
Delhi-110092.

...Respondents

(By Advocate:Ms. Neetu Mishra for Mr. K.M. Singh)

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ORDER (Oral)



Justice L. Narasimha Reddy:

The applicant was a candidate for selection to the post of Teacher (Nursery), with Post Code No.68/10. Though she was selected, further steps were not taken on account of the fact that FIR No.1240/2014, invoking Section 66 of the Information Technology Act, was pending against her. A communication in this behalf was, however, issued on 14.07.2016. The applicant filed this OA, with a prayer to quash the communication dated 14.07.2016 and to direct the respondents to provisionally appoint her and to permit her to join the post of Nursery Teacher.

2. The applicant contends that an FIR was registered at the instance

of her husband against whom she is facing proceedings under various sections, and that allegations cannot be considered as basis to deny her, the order of appointment.

3. The respondents filed a detailed counter affidavit. It is stated that the allegations against the applicant are serious in nature and as long as criminal proceedings are pending, it is difficult to issue appointment order to her.

4. We heard Mr. S.D. Windlesh, learned counsel for the applicant and Ms. Neetu Mishra for Mr. KM Singh, learned counsel for the respondents.

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5. The primary reasons mentioned in the impugned order dated 14.07.2016 is that the FIR No.1240/2014 is pending against the applicant. Today, it is brought to our notice that the concerned criminal court passed order dated 25.03.2021, terminating the entire proceedings. The applicant can bring it to the notice of the respondents, who in turn, shall pass appropriate orders.

6. We, therefore, dispose of the OA, leaving it open to the applicant to make a representation to the respondents, enclosing copy of the order dated 25.03.2021 passed by the Criminal Court, and on receipt of the same, the respondents shall take necessary steps, within two weeks thereafter. We make it clear that if the FIR is terminated, the respondents shall not press any other ground in the context of issuance of order of appointment to the applicant. Pending MA also stands disposed of. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

sunita/lg/ns/akshaya/sd