

Item No.24



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

O.A. No. 787/2021

This the 5th day of July, 2021

(Through Video Conferencing)

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

Sh. Pawan Singh, Roll No. 715955
S/o Sh. Rajender Singh,
VPO Issapur, Barvan Pana,
South West District, New Delhi – 73.

... Applicant

(By Advocate : Mr. Yashpal Rangi)

Versus

Delhi Police, through:

1. Commissioner of Police, Delhi
Police Head Quarters,
I.P. Estate, MSO Building, New Delhi.
2. Deputy Commissioner of Police (Establishment),
Police Head Quarters,
I.P. Estate, MSO Building, New Delhi.
3. Addl. Deputy Commissioner of Police,
Recruitment Cell,
New Police Line, Delhi – 09.

... Respondents

(By Advocates: Mr. Gyanendra Singh and
Ms. Esha Mazumdar)

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ORDER (Oral)**Justice L. Narasimha Reddy:**

The Delhi Police issued advertisement for selection to the post of Constable (Driver) in the year 2012. Reservation was also provided for ex-servicemen. The applicant was discharged from the Army in the year 2012. Immediately thereafter, he applied to the post referred to above. However, his case was rejected on verification of antecedents since it was found that he figured as accused in two criminal cases, though he was acquitted in both of them, by giving the benefit of doubt. Feeling aggrieved by the rejection of his candidature, he filed OA No. 2467/2015 before this Tribunal. This OA was dismissed on 08.03.2019. Aggrieved by that, he filed the WP(C) No. 11942/2019 before the Hon'ble High Court of Delhi. Vide its judgment dated 15.11.2019, the Hon'ble High Court took a view that when the first offence was committed, when the applicant was juvenile and in the second offence, the charge was not serious. With those observations, their Lordships directed the Appointing Authority to pass a fresh speaking order. Stating to be in compliance with the same, the Addl. Deputy Commissioner (Recruitment) passed an order dated 21.05.2020. This OA is filed, challenging the said order.

2. The applicant contends that the Hon'ble Delhi High Court has undertaken discussion, on the issue, running into 20 pages and despite that, the respondents have rejected his case.

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3. We heard Mr. Yashpal Rangi, learned counsel for the applicant and Sh. Gyanendra Singh and Ms. Esha Mazumdar, learned counsel for the respondents, at the stage of admission.

4. This is the second round of litigation by the applicant, in the context of selection to the post of Constable in Delhi Police. He claimed the benefit of reservation as an Ex-serviceman. There is no dispute as to his status of ex-servicemen, because he was discharged from the Army in the year 2012. Finding the applicant to be within the zone of consideration, the respondents got verified the antecedents. Earlier his case was rejected on the ground that he figured as accused in two criminal cases. The Tribunal did not entertain challenge to such a rejection. The Hon'ble High Court passed an order with the following observations:-



“11. While there is no contest with the law laid down in the case of The State of Madhya Pradesh & Ors. vs. Buntty (supra), it is no doubt also necessary to notice that for the first offence alleged against the petitioner in 1995, being about 16 years of age, he would have been dealt with under the provisions of the Juvenile Justice Act, 1986; and Section 25 of the said statute specifically provided that notwithstanding anything contained in any other law, a juvenile who commits an offence and has been dealt with under the provisions of that statute “shall not suffer disqualification, if any, attaching to a conviction of an offence under that law”; while in the petitioner’s case, he was acquitted. It is noteworthy that the same thread of not imputing any subsequent disqualification to a juvenile offender runs even through the Juvenile Justice (Care and Protection of Children) Act 2000 and the subsequent Juvenile Justice (Care and Protection of Children) Act 2015 (sections 19 and 24 of the two statutes respectively). The second offence alleged against the petitioner under Section 379 IPC was one relating to theft with no other offence alleged; and in the second case also, the petitioner stood acquitted. Furthermore, the fact the petitioner had served in the Indian Army between the period 1996 to 2012 was also not brought to the notice of the respondents, or was not considered.

12. Upon a conspectus of the foregoing, we are of the considered view that interests of justice require that, at the very least, the Screening Committee should consider both these aspects and decide the matter afresh.

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13. It will be open for the petitioner to make a representation before the Screening Committee within six weeks and produce all relevant documents which he wishes to rely upon.

14. We make it clear that we have not expressed any opinion on the merits of the matter; and that rejection of the representation will not give to the petitioner any fresh cause of action.

15. With these observations, these writ petitions are disposed of.”

5. It is in compliance with the said directions, that the respondents passed the impugned order. The cases instituted against the applicant were also examined. What is shocking is that even after being inducted into the Army, the applicant committed a crime and he was acquitted on account of the witnesses being turning hostile. The Police officials are required or to be associated with the investigation into various crimes. If the official himself is accused of committing theft, the type of investigation or the result thereof can easily be imagined. The Appointing Authority has taken into consideration, the gist of accusations made by the applicant. The purport of observations made by the Hon'ble High Court cannot be decided by this Tribunal. We find that the concerned authority went by the order of the Hon'ble High Court. If the applicant feels that any directions or observations were not implemented, the matter needs to be agitated before the Hon'ble High Court.

6. We do not find any merit in the OA and it is, accordingly, dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

sunita/lg/ns/akshaya/sd

