

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.2507 OF 2012

New Delhi, this the 9<sup>th</sup> day of January, 2017

CORAM:

**HON'BLE SHRI P.K.BASU, ADMINISTRATIVE MEMBER  
AND**

**HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER**

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Sh.Rahul Yadav,  
S/o Sh.Kuldeep Yadav,  
R/o H.No.1 Pipal Wala Mohalla,  
Badli,  
Delhi 42

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Applicant

(By Advocate: Mr.Ajesh Luthra)

Vs.

1. Staff Selection Commission, through its Chairman,  
CGO Complex,  
Lodhi Road,  
New Delhi-3

2. Union of India,  
Through its Secretary,  
Ministry of Home Affairs,  
North Block,  
New Delhi

3. Narcotics Control Bureau,  
Through Deputy Director (Admn.),  
West Block-1, Wing No.5,  
R.K.Puram, New Delhi 66

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Respondents

(By Advocates: Mr.S.M.Arif & Mr. S.M.Zulifiqar Alam)

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## **ORDER**

**Per Raj Vir Sharma, Member(J):**

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:

- õ(a) quash and set aside the impugned orders/actions of the respondents
- (b) and direct to respondents to restore the order dated 26.4.2012 and further process the case of the applicant for his appointment to the post of Intelligence Officer with all consequential benefits
- (c) award costs of the proceedings and
- (d) pass any other order/direction which this Honøble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and circumstances of the case.ö

2. Resisting the O.A., the respondents have filed counter replies.

No rejoinder reply has been filed by the applicant.

3. We have perused the records, and have heard Mr.Ajesh Luthra, the learned counsel appearing for the applicant, and Mr.S.M.Arif and Mr.S.M.Julifiquar Alam, the learned counsel appearing for the respondents.

4. Brief facts: Pursuant to his selection made by the respondent-Staff Selection Commission for appointment to the post of Intelligence Officer in the Narcotics Control Bureau, the applicant was issued letter/offer of appointment, dated 26.4.2012, the relevant portion of which reads thus:

õSubject: RECRUITMENT OF INTELLIGENCE OFFICER.

In pursuance to the Staff Selection Commission, NR, Delhi letter No.7/2/2011-ND-II dated 27.03.2012, nominating Ms./Mr.RAHUL YADAV Son/Daughter of Shri KULDEEP YADAV for the post of Intelligence Officer in Narcotics Control Bureau, he/she is hereby provisionally appointed to the

post of Intelligence Officer, in the Narcotics Control Bureau in the pay band of Rs.9300-34800 (PB-2) with grade pay of Rs.4600 (pre-revised pay scale of Rs.6500-200-10500) and such allowances as may be sanctioned by the Government of India from time to time. His/her appointment in the Department is purely on provisional basis.

2. He/she will be allowed to join the post only on production of following certificates, forms and documents, duly completed in all respect and signed by the appropriate prescribed authority as mentioned therein, at the time of his/her joining:

- a) Enclosed Certificate of his/her Character & Antecedents, duly signed by the SHO of his/her Police Station.
- b) Enclosed Certificate of Character, duly signed in appropriate column by a Gazetted Officer and then by the Sub Divisional Magistrate/District Magistrate of his/her district satisfying about the reliability of the Gazetted Officer who has certified his/her Character and Antecedents in this form.
- c) Enclosed Questionnaire-cum-undertaking form regarding pending court cases etc.
- d) Original Matriculation Certificate, or equivalent thereof and other certificates/Degrees etc., in proof of date of birth and educational qualification (with attested photocopies thereof), issued by the Board/University.
- e) Original Discharge Certificate, in prescribed form from the previous employment, if any.
- f) Original certificates in case he/she belongs to SC, ST, OBC, Hillman & tribesman.

Note: The appointment is provisional and is subject to the caste certificate being verified through proper challenges. If the verification reveals that the claim of the candidate to belong to SC/ST/OBC is false, the services of such candidate will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provision of the Indian Penal Code for production of False Certificate. In case he/she is belonging to OBC, in addition to OBC certificate he/she is also required to submit a declaration

about his/her creamy layer status. The above certificates are to be submitted in original at the time of joining.

3. The terms of appointment are as follows:

- (a) The appointment is temporary and will not confer upon the appointee any title to permanent employment.
- (b) His/her services are liable to be terminated without notice and without assigning any reason thereof.
- (c) The appointee will be on probation for a period of two years which may be extended at the discretion of the appointing authority. During the period of probation he/she may be required to undergo such training and to pass such tests as may be prescribed from time to time.
- (d) The appointment carries with the liability to serve anywhere in India.

4. The appointment will be further subject to the following:

- (i) Submission of a declaration by the candidate that he/she has not entered into or contracted a marriage with a person having a spouse living and that he/she has not entered into or contracted a marriage with more than one person or he/she does not have more than one spouse living at the time of his/her appointment. However, Central Government may exempt him/her from the operation of this rule provided his/her Personal Law as also applicable to the other party permits such marriage/contract for marriage/contract for marriage and there are other grounds for so doing. (To be submitted at the time of appointment).
- (ii) Taking of an oath of allegiance/faithfulness to the Constitution of India (or making solemn affirmation to this effect) in the prescribed form. (To be submitted at the time of appointment).

5. He/she must furnish a statement in writing giving full information of his/her previous employment, if any, in the last three years under the Govt. of India or any State Govt. and that he/she has neither been removed nor dismissed from Govt. service.

6. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have willfully suppressed any material information, he/she will be

liable to be terminated from service and such other action as the Government may deem necessary.

7. If anything adverse is reported against him/her by the Police authorities/civil authorities, his/her appointment is liable to be terminated without any further intimation to him/her.

8. He/she should also note that he/she has to conform to the rules, discipline and conduct prevailing in this Department and those imposed by the Govt. on all their employees.

9. At the time of joining the post, he/she shall be required to execute the form of AGREEMENT (Bond), as prescribed (enclosed).

10. He/she will be obliged to abide by conditions that may be hereinafter laid down by Central Government/Competent Authority.

11. If he/she accepts the offer on the above terms, he/she should report to the Deputy Director (Admn), Narcotics Control Bureau HQrs, West Block-1, Wing No.5, R.K.Puram, New Delhi 110066 on 28.5.2012 at 10:00 AM.

12. If he/she fails to report on the stipulated date it will be presumed that he/she is unwilling to join for the post offered, the offer of appointment will be treated as cancelled. No further communication in this regard, will be entertained.

13. On joining he/she has to undergo basic training at CBI Academy, Ghaziabad. Training instructions will be issued separately.ö

4.1 Before the applicant could report for joining, he was implicated in a criminal case, vide FIR No.131/12 under Sections 406/420/120B IPC, dated 13.5.2012, ,P.S.Crime Branch. He was arrested on 13.5.2012 and was released on bail on 8.6.2012.

4.1.1 It was alleged in the FIR dated 13.5.2012, ibid, that on 13.5.2012 at about 9.30 A.M. an informer came to the SIT Office and informed the Informant-Inspector that a written test for recruitment to the post of Social Security Assistant in the Employees Provident Fund Organization was to be conducted from 10 A.M. to 12.00 noon in morning

shift, and some of the boys had talked to some candidates to get through this examination by unfair means and assured these candidates that all the four question papers would be taken out by the assistance of staff members of the Examination Centre and solved answers of the questions would be provided to the candidates. It was also informed that the above mentioned boys would be coming in golden colour Verna car whose Registration was DL 4CAG9657, and would assemble at Nice Foundation School near Government Senior Secondary School, Karala, Delhi, and if raided, they could be arrested red handed and a racket to solve question papers by unfair means could be apprehended. On receiving this information, the informant discussed with her senior officers about the problem and verified the same at her own level and prepared a raiding party including her along with SI Rajneesh Sharma, ASI Hem Karan, HC Amit Tomar No.1474/Crime, HC Rajinder No.534/Crime, HC Bahadur Sharma No.737/Crime, Ct. Narinder No. 360/Crime, Ct. Dabbu Kanwar No.312/Crime, Ct. Deepak No.1693/Crime, and Ct. Naseem No.1224/Crime and the informer was also taken and boarded in three private cars, and arrived at Nice Foundation School, Karala, Delhi. At about 10.30 A.M. the informer pointed to a golden colour Verna Car with Registration no.DL 4CAG9657 and told that the same was the car by which those boys were coming. Thereafter, the complainant released the informer and asked 5 - 6 passersby to join the Raiding Party, but all of them told different types of their problems and refused to join and went away from there without telling their names and addresses. Thereafter,

the complainant, without wasting any further time, entered the room adjacent to the boundary wall of Nice Foundation School where seven boys sitting with question papers and mobile phones carrying in their hands and telling solved answers to the candidates were arrested and their names and addresses were as follows: (1) Yash Pal s/o Lakhmi Chand R/o H.No.211-B, Sector No.1, Huda, Nassaul, Haryana, from whom three photostate pages, Test Booklet Serial No.196447 which were given 1,2, 3 serial nos. and a Nokia Mobile Phone of Black and Blue colours the IMEI No.359283/04/108767/6; (2) Devash Dinkar S/o Nityanand Chaudhary R/o H.No.254, DDA Janta Flats, Pull Prahlad Pur, Badarpur, Delhi, six Photostat pages, test Form No.333 were recovered from his possession which were assigned sl.no.4 to 9; (3) Manoj Kumar s/o Om Prakash, r/o H.No.494/21 Om Nagar, Gurgaon, Haryana, from whom three Photostat papers, Test Battery No.R-1212283 and Question No.101 to 150 printed which were assigned sl.no.10 to 12 and a Nokia make Black and Orange colour Mobile Phone with IMEI No.357890 04 930064 and 357890/04/930065/3 were recovered; (4) Vijay Kumar S/o Surat Singh R/o H.No. 497/21, Gali No. 4 Om Nagar, Gurgaon, Haryana, from whom five Photostat pages printed on them question No.151 to 200 and a Samsung make white colour Mobile Phone whose IMEI No. 357399040799434 were recovered; (5) Sunil Kumar s/o Munshi Ram R/o Near Bainro Mandir, Kutub Pur, Rewari, Haryana and a Test Book No.196449, Test Battery No.121281 total pages 17 wherein question nos. 1 to 200 were printed and a Nokia make white colour Mobile

Phone whose IMEI No. 357415 /04/ 919726/1 and 357415/ 04/ 919727/ 9 were recovered, (6) **Rahul Yadav S/o Kuldeep Yadav, R/o 1 Peepal Wala Mohalla, Village Badli, Delhi-42, in possession of a Test Book No.196450, Test Battery No.B-121282 total pages 17 wherein question Nos. 1 to 200 were printed and four call letters of Roll Nos. 1513023684, 1513019437, 1513026041 and 1513009728 and Apple make white colour Mobile Phone whose No.9311113030 were recovered,** (7) Ram Kumar S/o Krishan Kumar R/o H.No.78, Village Singhala, Police Station Narela, Delhi-40 and a photocopy of Test Booklet Battery No.121284 total pages 16 wherein question No.1 to 200 were printed and eight call letters of Roll Nos.1513009728, 1513011935, and 1513023803, 1513008159, 1509005458, 1501001397, 1513011935 and 1513023803 and three pages of papers where names of candidates, roll numbers and mobile nos. were printed and two Nokia make Black colour Mobile Phones of Model 5800, IMEI No.357988/03/646953/0 and i-phone Apple white colour mobile No.9899553031 were recovered and seized as evidence by the police through memo. Apart from these, the papers which were lying on the floor of the room on which 333 and 1 to 200 downwards and in front of that solved options were written and other numbers were also written, and a CASIO make calculator Fx82MS Grey colour and 8 Ball Pen, were recovered and seized through memo as evidence. Thereafter the overpowered accused were left under watch of SI Rajnish Sharma and other staff accompanied and the informant Inspector and HC Amit Tomar along

with photocopies of question papers went into nearby Govt. Boys Senior Secondary School, Karala, Delhi where competitive examination for Railway Services was going on, and met the Principal Shri Kuldeep Singh who was apprised of the whole situation and was shown photocopies of question papers, on which Shri Kuldeep Singh put his signature with date and signature and stamp.

4.2 Respondent no.1-SSC, vide its letter dated 21.5.2012, directed respondent no.3-NCB to withdraw the offer of appointment issued to the applicant in view of his involvement and arrest in the said FIR. Accordingly, respondent no.3-NCB withdrew the said offer of appointment, vide its letter dated 25.5.2012.

4.3 It is claimed by the applicant that on 28.5.2012 an application was sent by him through one of his friends informing the respondent no.3 that due to implication in a false case by his old family rivalries/enemies in village, he was unable to report on 28.5.2012.

4.4 It is also claimed by the applicant that after his release on bail on 8.6.2012, he received the order dated 25.5.2012, *ibid*, issued by the respondent no.3 withdrawing the offer of appointment.

5. In the above backdrop, Mr. Ajesh Luthra, the learned counsel appearing for the applicant has contended as follows:

5.1 The letter dated 26.4.2012, *ibid*, was not an offer of appointment but an appointment letter. By the letter dated 26.4.2012, the applicant having already been appointed to the post, the impugned letter

dated 25.5.2012 could not have been issued by respondent no.3 withdrawing the letter dated 26.4.2012, *ibid*.

5.2 Mere accusation levelled in an FIR cannot be a valid ground to deprive a duly selected candidate of being appointed to the post.

5.3 The trial in the criminal case would take a long period of time to culminate. If the applicant is ultimately acquitted after a long drawn trial, and in the interregnum, the applicant is kept out of service, then it shall cause immense loss to the applicant in monetary terms as well loss of reputation in society, besides mental agony and harassment.

5.4 Respondent no.3, i.e., the appointing authority has acted under the dictates and directions of the selection agency, i.e., Staff Selection Commission (respondent no.1). The role of the respondent-SSC was over once it had recommended the selected candidates for appointment to the user Department. It was not within the domain of the SSC to have directed or even suggested to the respondent no.3 to withdraw the appointment letter or the offer of appointment, as the case may be.

6. In support of his contentions, Mr.Ajesh Luthra, the learned counsel appearing for the applicant has relied on the decisions in **Baraf Singh Vs. State of Jammu & Kashmir**, 2001(6) SLR 649, and in **Guru Dutt Ranga Vs. Government of NCT of Delhi and another**, 2006(2) SLJ 163 (CAT).

6.1 In **Baraf Singh Vs. State of Jammu & Kashmir** (supra), the Honøble High Court of Jammu & Kashmir has made the following observations:

ō10. Least that was expected of the respondents as well as the Appointing Authority was to examine such report of verification of character and antecedents, and if it was received and then pass an order justifying that the petitioner was not a fit person for being appointed as such. While doing so, Appointing Authority is expected to go into the whole case and then come to its independent conclusion. By either not appointing an incumbent like petitioner simply on the basis of the verification report of character and antecedents without taking a decision on it, action of the Appointing Authority would be not only be unjust and harsh, but at the same time would be illegal, arbitrary and unconstitutional. Thus violative of Articles 14 & 16 of the Constitution of India. For taking this view, reliance is being placed on a decision of this Court reported in **Onkar Singh v. State** 1997(2) SCT 413.

11. In **Abid Ali v. the Additional Chief Secretary (Home), J&K Government, Jammu**, 2003(3) SCT 275, after having examined and decided cases on the subject, identical view was taken by this Court.

12. In the context of the present case, another decision of this Court is dated 12.5.1997 in S.W.P. No. 1223/1996; what was observed and is relevant in the context of the present case was in the following terms:

ōHowever, it shall be open to the competent authority to deal with the matter in accordance with the rules, in case he is convicted by any criminal Court. His seniority shall reckon from the date his co-selectees were appointed in order of merit but this shall not entitle him to any pecuniary benefit.

Earlier it was said:

ōThe respondents submit that formal order of appointment would be issued after verification of the certificates and on the satisfaction of the Appointing Authority regarding the petitioner's character and antecedents in terms of Rule 17(d) of the J&K Civil

Services (Classification, Control and Appeal) Rules, 1956 (1956 Rules) and the J & K Civil Services (Verification of Character and Antecedents) Instructions of 1969 sanctioned vide Govt. Order No. Home-559-IS of 1969 dated 18.9.1969 which empower the Appointing Authority to satisfy himself about the character and antecedent of a candidate before making his appointment.ö

öIn the scenario all that remains to be seen is whether the respondents were justified in withholding the appointment order of the petitioner in the facts and circumstances of the case in the light of Rule 17(d) of the 1956 Rules and the Govt. instructions contained in Govt. Order No. Home 559/IS of 1969.ö

öThe Appointing Authority cannot keep the matter in cold storage and hold the available 'adverse material' close to his chest without formation of any opinion on such material and taking appropriate action supported by reasons to disentitle a selected candidate from appointment. Such a course of action would be wholly and grossly arbitrary infringing the right of equality of employment of a candidate at his back.ö

öThe requirement of passing of the order by the Appointing Authority on the basis of available material becomes necessary to ensure that the selected candidate is not deprived of his employment on an extraneous consideration or relevant (irrelevant) material. The verification of antecedents and character of a candidate through the police agency may throw up material which may not be relevant to his suitability for the job or which may be extraneous to the nature of his duties attached to the post. The selected candidate in such a situation, cannot be shown the door merely because the verification had disclosed some secret information about him.ö

It was further observed:

öSuch pendency which could also result in acquittal of an accused, could not constitute a factor for depriving a selected candidate from employment unless he was convicted and sentenced which would earn him a disqualification for holding the post.ö

To similar effect another decision of this Court in S.W.P. No. 194/98, **Ritu Raj Singh Jamwal v. State and Another.**”

6.2 In **Guru Dutt Ranga Vs. Government of NCT of Delhi and Anr.** (supra), the Tribunal has held, *inter alia*, that appointment cannot be denied to a duly selected candidate merely on an FIR being recorded against him.

7. On the other hand, the learned counsel appearing for the respondents took us through the letter dated 26.4.2012 issued by respondent no.3, and the FIR dated 13.5.2012, *ibid*. It was contended by the learned counsel that the letter dated 26.4.2012 was only an offer of appointment, and the involvement of the applicant as an accused in the criminal case having been brought to its notice, respondent no.3-NCB withdrew the offer of appointment and informed the applicant of the same, vide letter dated 25.5.2012. It was also contended that in view of his involvement as an accused in the criminal case, the applicant's antecedents cannot be said to be aboveboard, and, therefore, withdrawal of the offer of appointment by the respondent no.3 remains unassailable.

7.1 In support of their contention, the learned counsel relied on the decision of the Hon'ble Supreme Court in **State of M.P. & Ors. Vs. Parvez Khan**, 2015(1) SLJ 257 (SC).

7.2 In **State of M.P. & Ors. Vs. Parvez Khan** (supra), the question was whether the refusal by the competent authority to give

compassionate appointment in police service on the ground of criminal antecedents of a candidate who is acquitted for want of evidence or who is discharged from the criminal case on account of compounding can be justified.

7.2.1 In that case, his father having died in harness, the respondent applied for compassionate appointment. The competent authority sent his record for police verification. It was found that he was involved in two criminal cases. In one case, he was prosecuted for offences under Sections 323, 324, 325, 294 and 506-B/34 IPC, and in the other under Sections 452, 394 and 395 IPC. The Superintendent of Police held that he was not eligible for appointment in Government service. The writ petition filed against the said decision was dismissed by the Single Judge. On appeal, the Division Bench held that the object of verification was to verify suitability of a candidate for employment. Since the respondent was acquitted in both the criminal cases, he could not be considered unsuitable. Accordingly, the Division Bench directed consideration of the case by the competent authority in the light of observations made by them. Hence, the State filed the appeal. The Hon'ble Supreme Court referred to paragraphs 18, 23, 24, 25, 26, 27, 28, 29, 30, 33 and 35 of its earlier judgment in **Commissioner of Police v. Mehar Singh**, 2013(7) SCC 685 and held thus:

õ13. From the above observations of this Court, it is clear that a candidate to be recruited to the police service must be worthy of confidence and must be a person of utmost rectitude and must have impeccable character and integrity. A person having criminal antecedents will not fit in this category.

Even if he is acquitted or discharged, it cannot be presumed that he was completely exonerated. Persons who are likely to erode the credibility of the police ought not to enter the police force. No doubt the Screening Committee has not been constituted in the case considered by this Court, as rightly pointed out by the learned Counsel for the respondents, in the present case, the Superintendent of Police has gone into the matter. The Superintendent of Police is the Appointing Authority. There is no allegation of mala fides against the person taking the said decision nor the decision is shown to be perverse or irrational. There is no material to show that the appellant was falsely implicated. Basis of impugned judgment is acquittal for want of evidence or discharge based on compounding.ö

Accordingly, the Hon<sup>ble</sup> Supreme Court allowed the appeal, and set aside the order passed by the Division Bench.

8. We have given our thoughtful consideration to the facts and circumstances of the case, and the rival contentions of the parties.

9. After going through the letter dated 26.4.2012,ibid, the contents of which have been reproduced by us in paragraph 4 of this order, we do not find any substance in the contention of Mr.Ajesh Luthra, the learned counsel for the applicant that the letter dated 26.4.2012 was not an offer of appointment but a letter/order of appointment and, therefore, the same could not have been withdrawn by respondent no.3. When the applicant admittedly failed to comply with the terms and conditions contained in the letter dated 26.4.2012 and also failed to report to respondent no.3 on 28.5.2012 due to his involvement and arrest by the police in connection with FIR No. 131 dated 13.5.2012,P.S.Crime Branch, under Sections 406,420 and 120-B IPC, and when admittedly respondent no.3 issued the letter dated 25.5.2012 withdrawing the offer of appointment dated 26.4.2012, it cannot be said that

the applicant was already appointed to the post and, therefore, the withdrawal of the letter dated 26.4.2012 was unsustainable.

10. In view of the decisions of the Honøble Supreme Court in **Commissioner of Police Vs. Mehar Singh** (supra) and **State of M.P. & Ors. Vs. Parvez Khan** (supra), and considering the nature of allegations levelled against the applicant in the FIR dated 13.5.2012, which have been reproduced in paragraph 4.1.1 of this order, we have found no substance in the contention of Mr. Ajesh Luthra, the learned counsel appearing for the applicant, that the accusation levelled in the FIR cannot be a valid ground to deprive the applicant of being appointed to the post of Intelligence Officer in the Narcotic Control Bureau.

11. As has been rightly contended by Mr. Ajesh Luthra, the learned counsel appearing for the applicant, the role of the respondent-SSC was over once it had recommended the selected candidates for appointment to the user Department, and it was not within the domain of the respondent-SSC to have directed or even suggested to the respondent no.3 to withdraw the appointment letter or the offer of appointment issued to the applicant. The relevant part of the impugned letter dated 25.5.2012, whereby the offer of appointment dated 26.4.2012 issued to the applicant has been withdrawn, is reproduced below:

õSubject: RECRUITMENT OF INTELLIGENCE OFFICER

Staff Selection Commission vide their letter No.34/Dir(VS)/CVO/Mis/2012 dated 21 May 2012 has directed NCB to withdraw the offer of appointment issued to you for the post of Intelligence Officer in view of your alleged involvement

in an attempt of malpractice in an examination held by Employees Provident Fund Organization and arrest by the police.

2. Accordingly, the offer of appointment issued to you vide this Bureau letter No.II/23(1)/2012-Estt. 526 dated 26.04.2012 is hereby withdrawn.ö

From the above, it is evident that solely on the basis of direction of the respondent-Staff Selection Commission, the appointing authority, i.e., respondent no.3 has withdrawn the offer of appointment dated 26.4.2012 issued to the applicant. Thus, it cannot be said that the appointing authority, i.e., respondent no.3-NCB has considered the allegations levelled against the applicant in the FIR dated 13.5.2012, *ibid*, and has come to the conclusion that the applicant was unsuitable for appointment to the post of Intelligence Officer and, hence, the offer of appointment dated 26.4.2012, *ibid*, was liable to be withdrawn and/or cancelled. Therefore, the impugned order dated 25.5.2012 is unsustainable and liable to be interfered with, and the respondent no.3, i.e., the appointing authority has to be directed to consider the allegations levelled against the applicant in the FIR dated 13.5.2012, *ibid*, and to take a view as to whether, or not, the applicant was suitable for appointment to the post of Intelligence Officer in Narcotics Control Bureau and the offer of appointment dated 26.4.2012 was liable to be withdrawn.

12. In the light of our above discussions, we quash the impugned order dated 25.5.2012 and direct respondent no.3-Narcotics Control Bureau to consider the allegations levelled against the applicant in the FIR dated 13.5.2012, *ibid*, and to take a view as to whether, or not, the applicant was

suitable for appointment to the post of Intelligence Officer in the Narcotics Control Bureau and the offer of appointment dated 26.4.2012 was liable to be withdrawn, by passing a reasoned and speaking order within a period of three months from today. It is made clear that respondent no.3-Narcotics Control Bureau shall not be swayed away by the earlier direction issued by the respondent-SSC or by any of the observations made by us, while considering the suitability of the applicant and taking the decision in the matter.

13. Resultantly, the O.A. is partly allowed to the extent indicated above. No costs.

**(RAJ VIR SHARMA)**  
**JUDICIAL MEMBER**

**(P.K.BASU)**  
**ADMINISTRATIVE MEMBER**

AN