

**Central Administrative Tribunal
Principal Bench**

**OA No.2356/2018
MA No.2628/2018**

New Delhi, this the 25th day of July, 2018

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Shri Vikram Rana, Aged 29 years,
S/o Shri Sujan Singh Rana,
H.No.200,
Village Mungash Pur,
P.O. Kutab Ghar,
Delhi-110039

...Applicant

(By Advocate : Shri Rabin Majumder)

Versus

1. North Delhi Municipal Corporation,
Through its Commissioner (North),
Dr. Shyama Prasad Mukherjee Civic Centre,
E-Block, 15th Floor,
Jawahar Lal Nehru Marg,
New Delhi-110002.
2. Deputy Director of Education,
North Delhi Municipal Corporation,
Through its Commissioner (North),
Education Department (HQ),
Dr. Shyama Prasad Mukherjee Civic Centre,
E- Block, 15th Floor,
Jawahar Lal Nehru Marg,
New Delhi-110002.
3. South Delhi Municipal Corporation,
Through its Commissioner (South),
Dr. Shyama Prasad Mukherjee Civic Centre,
E- Block, 15th Floor,
Jawahar Lal Nehru Marg,
New Delhi-110002.

...Respondents

ORDER (ORAL)**Ms. Nita Chowdhury, Member (A)**

Heard the learned counsel for applicant.

2. The applicant has filed the instant OA seeking the following reliefs :-

- (I) Issue an appropriate order or direction thereby setting aside the impugned clause 5 of the Circular No.D /ADE/TRC/Edu./2011/1189 dated 23.06.2011;
- (II) Declare the impugned action of the Respondent for not allowing the Original Applicant to the post of Teacher (Primary) (Post Code 70/90) pending criminal case is *void ab initio*.
- (III) Issue an appropriate order or direction thereby directing the Respondents to issue appointment letter/joining letter to the Original Applicant to the post of Teacher (Primary) (Post Code 70/90) along with seniority, continuity of service, full back salary and consequential benefits thereof with effect from July, 2015 in terms of the offer of appointment letter No.D/297/ DDE/RZ/2015/TRC dated 18th June 2015; and
- (IV) Declare that the Original Applicant is entitled to equity as well parity as that of Devender Kumar (Roll no.7094141) who has already been appointed to the post of Teacher (Primary) (Post Code 70/90) despite pending criminal case against him appointed by Respondent no.3 (SDMC) vide Appointment Order No.D/ADE/TRC/SDMC/HQ/2017/3819 dated 08.11.2017.

(V) Allow the present application with cost in favour of the Original Applicant."

3. Counsel for applicant was heard and the impugned Annexure-A/1 dated 23.06.2011 is seen. Quite clearly, point 5 of this circular states "*The candidate who are facing criminal trial under any section of IPC or against whom FIR has been registered, will not be given appointment. However, their case will be abeyance for a period of three years on their request supported with an undertaking that they will not claim any Seniority/back wages on getting appointment after acquittal.*"

4. From the above circular, it becomes clear that as yet, the candidature of the applicant has not been closed and hence, no cause of action has arisen in this matter. The applicant can avail his remedies after the final order is passed with regard to his candidature.

5. Accordingly, the OA stands dismissed. No costs.

6. All pending MAs, if any, stand disposed of.

(S.N. Terdal)
Member (J)

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(Nita Chowdhury)
Member (A)