



**Central Administrative Tribunal
Principal Bench**

OA No.4097/2015

New Delhi, this the 17th day of December, 2019

Hon'ble Mr. S. N. Terdal, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)

Ajay Tyagi
S/o Mangat Ram Tyagi
Aged 22 years
R/o Village Bhagel
P.O. Mahshi Nagar
Dist. Gautam Budh Nagar
Noida, UP.

.....Applicant

(By Advocate : Mr. Sagar Saxena)

Versus

1. Deputy Commissioner of Police
Recruitment Cell
New Police Lines
Kingsway Camp
Delhi.

2. Commissioner of Police
Police Headquarters
MSO Building
New Delhi, India.

3. Ministry of Home Affairs
North Block
Central Secretariat
New Delhi – 110 001.

..... Respondents

(By Advocate : Mr. Vijay Pandita)



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ORDER (ORAL)

By Hon'ble Mr. S.N.Terdal, Member (J)

Heard Shri Sagar Saxena, counsel for the applicant and Shri Vijay Pandita, counsel for respondents and perused the pleadings and all documents placed on record. The following reliefs prayed for in this OA :-

- “(a) Direct the respondents to issue the appointment letter to the applicant on account of his successful completion of all the tests for the post of Head Constable (Ministerial);
- (b) Pass such other and further orders which this Hon'ble Tribunal may deem fit and necessary in the interest of justice and direct the respondent to pay the cost of litigation to the applicants.”

2. Counsel for the applicant submits that in view of the averments made by the respondents in the counter affidavit that the applicant has already been selected, this OA may be disposed of. The relevant para of the counter is extracted below :-

“Sh. Ajay Tyagi (Roll No.856746) S/o Sh. Mangat Ram Tyagi (herein-after-called applicant) also applied for the post and selected for the post provisionally. His police verification of character & antecedents was conducted through DM/Gautam Budh Nagar, Uttar Pradesh and it was revealed that a case FIR No.332/2010 u/s 326/506 IPC and 3(2)5 SC/ST Act. PS. Phase-II, Noida, Gautam Budh Nagar, U.P. is pending against him and in CC No.327/2010 issued by the Juvenile Justice Board Court, Meerut, the applicant was declared as



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Juvenile. As per Standing Order No.398/2010 and as per prevailing practice, the candidate against whom, the criminal case is pending, their cases for appointment in Delhi Police are held-in-abeyance till final decision of the court. After the court's decision, the same is examined by the screening committee to assess their suitability for appointment after going through all the facts of the case, FIR, judgment of the case, MLC, statements of the witnesses, reply of the candidate to the show cause notice etc.

Since a criminal case is pending against the applicant, his candidature has been kept in abeyance till final outcome of the case. After the court's decision his case for appointment will be examined by the screening committee to assess his suitability for appointment in Delhi Police. "

3. Further, learned counsel for the applicant submits that in the said pending criminal case stated in the counter, the applicant has been acquitted.

4. In view of the averments made by the respondents in the extracted para that the applicant has been selected, this OA is disposed of with a direction to the respondents to complete the selection process, as per law, within two months from the date of receipt of a copy of this order. No costs.

(A.K.Bishnoi)
Member (A)

(S.N. Terdal)
Member (J)