



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: September 22, 2023

(1) + W.P.(C) 12058/2023, CM APPLs. 47346/2023 & 47347/2023

STAFF SELECTION COMMISSION AND ORS

..... Petitioners

Through: Mrs. Avnish Ahlawat, Standing
Counsel (Delhi Police) with
Mrs. Taniya Ahlawat, Mr. Nitesh
Kumar Singh, Ms. Laavanya Kaushik,
Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advs.

versus

AJAY KUMAR AND ORS

..... Respondents

Through: Mr. Rajesh Chauhan, Adv. for
Mr. Sachin Chauhan, Adv.

AND

(3) + W.P.(C) 12164/2023, CM APPLs. 47808/2023 & 47809/2023

STAFF SELECTION COMMISSION AND ORS

..... Petitioners

Through: Mrs. Avnish Ahlawat, Standing
Counsel (Delhi Police) with
Mrs. Taniya Ahlawat, Mr. Nitesh
Kumar Singh, Ms. Laavanya Kaushik,
Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advs.

versus

ABHISHEK

..... Respondent

Through: Mr. Rajesh Chauhan, Adv. for
Mr. Sachin Chauhan, Adv.



CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 47347/2023 in W.P.(C) 12058/2023

CM APPL. 47809/2023 in W.P.(C) 12164/2023

Exemptions allowed subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 12058/2023

W.P.(C) 12164/2023

1. The challenge in these petitions is to an order dated July 7, 2023 passed by the Central Administrative Tribunal ('Tribunal', for short) which includes the OA Nos. 1691/2022 and 1975/2022 whereby the Tribunal while deciding the interim prayer of the respondents has in Para 6 directed as under:

"6. Thus, we are of the view that the respondents are creating doubts in our judicial minds whether the applicants are granted fair opportunity or not as for them, it is a question of appointment and livelihood that comes under the Article 14 and 16 of the Constitution of India. Moreover, in the interest of justice, we hereby direct the Staff Selection Commission to constitute another High Power Committee, excluding the members earlier appointed by it, to re-examine the case of all the remaining candidates whose results are withheld and submit the status report within a period of eight weeks."

2. Suffice to state, this Court has decided a batch of two petitions on September 12, 2023 being **W.P.(C) 11961/2023** titled as **Staff Selection Commission and Ors. V. Balkar Mor and Ors. & W.P.(C) 11975/2023**,



titled as ***Staff Selection Commission and Ors v. Ritik Chahal and Ors.***, wherein the following order has been passed:

“The challenge in these petitions is to an order dated July 7, 2023 passed by the Central Administrative Tribunal (‘Tribunal’, for short) in a batch of OAs. While considering the interim prayer made by the respondents herein, the Tribunal has in Para 6 directed as under:

“6. Thus, we are of the view that the respondents are creating doubts in our judicial minds whether the applicants are granted fair opportunity or not as for them, it is a question of appointment and livelihood that comes under the Article 14 and 16 of the Constitution of India. Moreover, in the interest of justice, we hereby direct the Staff Selection Commission to constitute another High Power Committee, excluding the members earlier appointed by it, to re-examine the case of all the remaining candidates whose results are withheld and submit the status report within a period of eight weeks.”

1. The submission of Mrs. Avnish Ahlawat, learned Standing Counsel for GNCTD (Services) is that the Tribunal could not have directed the constitution of a High Power Committee when FIR has been filed against the respondents herein, investigation has been carried out and challans have been filed before the concerned Court. According to her, in effect, the Tribunal has created a parallel Committee for carrying out the investigation, which is impermissible. She submits, as FIR is pending consideration, appointments cannot be given to the respondents. She seeks the prayers as made in the writ petitions, by setting aside the order dated July 7, 2023.

2. On the other hand, learned counsel for the respondents, who appears on advance notice justify the order of the Tribunal by stating that even in the past, the Staff Selection Commission (‘SSC’, for short) through an in-house inquiry has cleared 135 candidates for appointment. So parity need to be given to the respondents.

3. We are unable to agree with the submission made by the learned counsel for the respondents inasmuch as the Committee of which reference has been made by the counsel for the



respondents was constituted to look into 625 cases, out of which 135 cases / candidates have been cleared but the Committee observed to initiate criminal action against the rest. It is pursuant thereto that general FIR has been registered against 490 candidates and challans filed in the concerned Criminal Court which is seized of the issue. Under such circumstances, the Tribunal could not have directed constitution of a High Power Committee to look into the cases of the respondents, as that shall mean a parallel Committee has been constituted to carry out investigation / inquiry, which has already been carried out / done by the police. Moreover, the FIR has been registered on the asking of the Committee constituted by the SSC, so no further Committee could have been constituted.

4. Accordingly, we set aside the order dated July 7, 2023 passed by the Tribunal.”

3. For parity of reasons, these writ petitions are also disposed of setting aside the order dated July 7, 2023.

4. As the OAs are still pending consideration before the Tribunal, the Tribunal shall decide the OAs in accordance with law.

5. This order must not be construed as our expression on merit of the issue raised by the respondents in the Original Applications.

6. We take on record the submission made by Mrs. Ahlawat that the report of the Committee constituted by the Staff Selection Commission shall be placed on the file of the Tribunal in the batch of OAs with a copy to the learned counsel for the respondents.

CM APPL. 47346/2023 in W.P.(C) 12058/2023

CM APPL. 47808/2023 in W.P.(C) 12164/2023

Dismissed as infructuous.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 22, 2023/jg