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

+ **W.P.(C) 13711/2024**

RAJESH

.....Petitioner

Through: Mr. Saqib, Advocate

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Akshay Amritanshu, Senior Panel Counsel with Mr. Amit Acharya, GP and Mr. Samyak Jain, Ms. Drishti Saraf and Ms. Pragya Upadhyay, Advocates for UOI.

Ms. Anjana Gosain, Ms. Nippun Sharma and Mr. Devesh Khanagwal, Advocates, for R-2 and R-3 with Mr Deepak Tomar, AGM(Laws), Mr. Rajeev Kumar Sharma AGM(HR) and Mr. Dharmender Kumar AM(HR).

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

30.09.2024

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CM APPL. 57383/2024

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 13711/2024 & CM APPL. 57382/2024

3. This writ petition has been filed by the Petitioner under Articles 226/227 of the Constitution of India laying a challenge to the impugned letter dated 19.08.2024 whereby offer of appointment issued to the Petitioner for the post of Junior Executive (Common Cadre) by Airports Authority of India ('AAI') has been cancelled.



4. Factual matrix in brief is that AAI issued an advertisement No. 03/2023 inviting applications for recruitment to various posts including the post of Junior Executive (Common Cadre). Petitioner applied on 25.08.2023 for the said post in the SC/PwD category. Petitioner successfully cleared the Computer Based Test held on 14/15.10.2023 and was shortlisted for application verification in terms of the result declared on 23.11.2023. After the verification, Petitioner's name was mentioned in the final result at Serial No. 105. An offer letter was issued to the Petitioner by AAI and he was directed to report for training at the Indian Aviation Academy.

5. It is averred in the petition that Petitioner reported for training as directed and during the process of application verification disclosed the fact that he was convicted by the Trial Court on 04.09.2014 for offences under Sections 406/498A IPC and sentenced to undergo simple imprisonment for one year with fine of Rs.500/- each. The order was challenged by the Petitioner in Criminal Appeal No. 129/2014 which was disposed of by the learned Sessions Judge on 21.09.2015 upholding the judgment of conviction but modifying the sentence and releasing the Petitioner on probation of good conduct. After this disclosure, Petitioner received the impugned communication cancelling his offer of appointment.

6. Learned counsel for the Petitioner, at the outset, submits that the impugned communication shows total non-application of mind as it is bereft of any reason for which the offer of appointment was cancelled. Petitioner has cleared the selection process successfully and *albeit* he was convicted by the Trial Court, the Appellate Court has modified the sentence and released him on probation. It is not known whether this aspect was looked at by the AAI as the communication is completely silent. AAI ought to have taken



into account that Section 12 of the Probation of Offenders Act, 1958 remove the disqualification attached to conviction and the Supreme Court in *Shankar Dass v. Union of India and Another*, (1985) 2 SCC 358, has explained the purpose of enacting the said provision. Mr. Saket argues that Courts have time and again emphasised on the importance of passing reasoned and speaking orders so that the affected party knows the reason why a decision is adverse to him or her and the impugned order is far from a reasoned order.

7. Issue notice.

8. Mr. Akshay Amritanshu, learned Senior Panel Counsel accepts notice on behalf of Respondent No. 1.

9. Ms. Gosain, learned counsel accepts notice on behalf of Respondents No. 2 and 3 and at the outset, in her usual fairness, submits that the order is indeed an unreasoned order *albeit* an elaborate exercise was carried out before taking the decision and produces the file of Department to support the plea. On instructions from Mr. Deepak Tomar AGM(Laws), Mr. Rajveer Kumar Sharma AGM(HR) and Mr. Dharmender Kumar AM(HR), who are present in Court, Ms. Gosain submits that a reasoned and speaking order will be passed within a period of three weeks from today and the contentions of the AAI on facts and law be left open at this stage.

10. In view of the above, writ petition is disposed of at this stage taking on record the stand of AAI that a fresh reasoned and speaking order will be passed with regard to the offer of appointment of the Petitioner. The decision will be taken within three weeks from the date of receipt of this order and while doing so, AAI shall consider Section 12 of the Probation of Offenders Act, 1958 which provides that notwithstanding anything



contained in any other law, a person found guilty of an offence and dealt with under provisions of Section 3 or Section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law. AAI will also take into consideration the fact brought forth by the Petitioner that he has been working in Higher Education Department, Government of Haryana since 25.01.2019 as a Library Attendant and there is no blemish in his service so far.

11. Decision taken by AAI will be communicated to the Petitioner within one week from the date of the decision and Petitioner will be at liberty to take recourse to legal remedies, in case of any surviving grievance and if so advised.

12. Pending application stands disposed of.

JYOTI SINGH, J

SEPTEMBER 30, 2024/shivam/YA