



2025:DHC:7613-DB



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

Date of decision: 29.08.2025

+ W.P.(C) 13207/2025

GOVT OF NCT OF DELHI & ORS.Petitioners

Through: Mr. Himanshu Pathak, SPC with
Mr. Amit Singh, Adv.

Versus

NARESH CHAND JATAVRespondent

Through: Mr. Sachin Chauhan with Ms.
Ridhi Dua & Mr. Abhimanyu
Baliyan, Advs. (through V/C)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 54130/2025

1. Allowed subject to all just exceptions.

W.P.(C) 13207/2025 & CM APPL. 54129/2025

2. This petition has been filed, challenging the Order dated 19.09.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the "Tribunal") in O.A. no. 302/2016 titled *Naresh Chand Jatav v. Govt. of NCTD and Ors.*, whereby the O.A. filed by the respondent herein was allowed with the following direction:-

“6.1 In view of the above, the impugned orders dated 14.08.2015, 15.10.2015 and



13.11.2015 are set aside. We remand the mater back to Hon'ble Lt. Governor for taking appropriate call qua the candidature of the applicant, keeping in view the fact that the criminal court had already extended the benefit under Section 12, and also in the light of law laid down by Hon'ble Apex Court and this Tribunal for extending the benefit.

6.2 It is made clear that in the event the Hon'ble Lt. Governor finds favour to extend the benefit to the applicant, appropriate order for offering appointment and joining shall be issued within a period of 30 days from the date of passing of such order. It is made clear that applicant shall be entitled to all consequential benefits from the date of joining only strictly in accordance with Rules. OA stands disposed of in the aforesaid terms."

3. The petitioners further challenge the Order dated 12.03.2025 passed by the learned Tribunal in R.A. no. 29/2024 filed by the petitioners in the aforesaid O.A., dismissing the said review application.

4. It is the case of the petitioners that the respondent had intentionally concealed the fact of registration of FIR no. 320/2011 dated 31.10.2011 at P.S. Kathumar (Rajasthan) under Section 13 of the Rajasthan Public Gambling Ordinance against him.

5. The learned counsel for the petitioners submits that subsequent grant of benefit under the Probation of Offenders Act, 1958 would not absolve the respondent of the fact of concealment. He submits that the application form was very clear and warned the candidates that the candidate must fill the attestation form disclosing all particulars



correctly.

6. While there can be no dispute on the proposition of law as urged by the petitioners, at the same time in the Impugned Orders, the learned Tribunal has merely remanded the matter back to the Hon'ble Lieutenant Governor of Delhi for taking an appropriate call *qua* the candidature of the respondent, who was seeking appointment on compassionate grounds. The final decision of the same has been left to the Hon'ble Lieutenant Governor to be taken.

7. These factors which the petitioners urges, can also be duly considered by the Hon'ble Lieutenant Governor, including the fact that the respondent was eventually granted the benefit of the Probation of Offenders Act, 1958.

8. The learned counsel for the petitioners further submits that in the present case, taking into account the concealment, the Disciplinary Authority had terminated the services of the respondent, and therefore the matter should have been remanded back either to the Screening Committee or to the Disciplinary Authority.

9. We are not impressed with this submission as the issue to be determined is whether the respondent is at all entitled to seek appointment despite concealing the fact of the registration of the FIR. The appointment is to be made under the orders of Hon'ble the Lt. Governor.

10. In any case, the matter having being remanded to the Hon'ble Lieutenant Governor, we see no reason to interfere with the Impugned Order in the exercise of our powers under Article 226 of the Constitution of India.

11. The petition along with the pending application is accordingly,



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dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 29, 2025/ys/k/p/ik