

2 ①

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 9/2002

New Delhi, this the 3rd day of January, 2002

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Shri Phool Singh Meena Roll No. 222387
S/o Sh. Mathura Lal Meena
R/o Village- Umed Pur, P.O. Baruhi,
District - Baraha, Rajasthan. Applicant
(By Advocate: Sh. Sachin Chauhan)

Versus

1. Union of India.
Through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
2. Deputy Commissioner of Police,
2nd Bn., DAP,
New Police Lines, Kingsway Camp,
Delhi.

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

The applicant has filed this OA whereby he has assailed orders dated 4.4.2001 vide which a memo was issued to the applicant with the proposal to cancel the candidature of the applicant for the post of Constable in Delhi Police for concealing information in the attestation form and allegedly seeking appointment in Delhi Police by deceitful means. The reason for the issue of the second order dated 12.9.2001 was for cancellation of the candidature of the applicant. The applicant while ascertaining these orders has stated that the case in which he was involved was a family feud and the case was registered for practical purposes and it was compromised as the compromise was affected he construed that no criminal case exists against him, as such he committed inadvertant error. He submits that if it is an inadvertant error he should be given an opportunity to explain and for that purpose

km

the applicant has also relied upon a judgment annexed with the OA Khama Ram Vishnoi Vs. State of Rajasthan and another whereby eight writ petitions have been decided by a common order. We have gone through that judgment. That judgment is based on Rajasthan Police Rules wherein the Court after noting down the Rajasthan Rules came to the conclusion and gave a direction to the State to objectively consider the explanation in view of Rule 13 and 15 of Rules 1989 (Rules of Rajasthan State) to find out whether the concealment of fact was deliberate or inadvertant mistake.

2. But the said rules do not apply to the Delhi Police Service. In Delhi the candidate for the post of Police Constable is required to submit an application where he has to mention whether he is involved in a case or not. Similarly, he has to file an attestation form. At that time also candidate is required to submit whether he is involved in a criminal case or not and if yes, then he is further called upon to explain the circumstances about the nature of the involvement of the criminal case. The queries made in the attestation form are so discrete that it does not leave any scope for concealment of the facts with regard to involvement in a criminal case, rather the applicant is exhorted to say about his involvement, if any in any criminal case. In this case the applicant, as per his own allegattion of facts in para 5 has submitted that he himself has interpreted that since a compromise has taken place so no case was pending. This fact cannot be said to have led the applicant to make an inadvertant error rather applicant could have stated in the attestation form itself that he was involved in a criminal



[3]

case but the matter has been compromised so that the facts with regard to the concealment of facts could not have been taken against him.

3. In these circumstances, we find that there is a clear case of concealment of facts of involvement in criminal case on the part of applicant himself. So no interference is called for at all. OA is dismissed in limini.



(KULDIP SINGH)
Member (J)



(V.K. MAJOTRA)
Member (A)

'sd'