

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No 1895/2002  
T.A.No.

Date of Decision 31.7.2002

Naresh Kumar ... Petitioner

Sh.S.K.Rungta ... Advocate for the Petitioner(s)

VERSUS


Delhi Police through ... Respondent  
Commissioner of Police  
Police Headquarters, ITO,  
New Delhi.

... Advocate for the Respondents

Coram:-

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri V.K.Majotra, Member (A)

1. To be referred to the Reporter or not ? Yes
2. Whether it needs to be circulated to other  
Benches of the Tribunal? No

  
(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)

4

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1895/2002

New Delhi this the 31st day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri V.K.Majotra, Member (A)

Naresh Kumar,  
S/O Shri Nafe Singh,  
R/O VPO Tajpur Kalan,  
Delhi-36

(By Advocate Shri S.K.Rungta )

..Applicant

VERSUS

Delhi Police through  
Commissioner of Police,  
Police Headquarters, ITO,  
New Delhi.

..Respondent

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

In this application, the applicant is aggrieved by the order issued by the respondent i.e. Deputy Commissioner of Police dated 27.8.2001 cancelling the candidature of the applicant for the post of Constable (Driver) in Delhi Police. We have heard Shri S.K.Rungta, learned counsel. Learned counsel has submitted that the impugned cancellation order has been issued by the respondents after giving a show cause notice to the applicant as to why his candidature should not be cancelled for the post of Constable (Driver) in Delhi. In the show cause notice, it is mentioned as follows:-

" You did not mention your involvement in case FIR No. 191/90 U/S 279/337 IPC P.S.Samai Pur Badli in which you were fined Rs.275/- on 12.11.1991 by the Court of Shri Balbir Singh, M.M., Tis Hazari, Delhi in the relevant column of your application as well as in the attestation form. Thus, you have

18.

concealed the facts about your involment in the Criminal Case i.e. FIR No.191/90 U/S 279/337, P.S.Samai Pur Badli at the time of filling up Application form as well as at the time of filling up the attestation form which contained the warning at the top the furnishing of false information of suppression of any factual information in the Attestation Form/Application form would be disqualified and is likely to render candidate unfit for employment under the Govt".

2. The applicant had replied to the show cause notice in which he has stated as follows:-

"It is absolutely true that I was fined Rs.275/- on 12.11.1991 in case FIR No.191/90 under Sections 279 and 337 IPC, P.S.Samaipur Badli. Sir this case was closed on 12.11.1991, it was long back and was decided on the same date which I could not take seriously. Moreover, it is worth mentioning that this case is unable to prove to be criminal, which could be hided".

3. The relevant portion of cancellation of the candidature of the applicant for the post of Constable (Driver) which has been impugned in this OA reproduced below:-

"With reference to the reply to Show Cause Notice regarding cancellation of your candidature from the post of Constable (Driver) in Delhi Police, I am to inform that your reply has been examined at length and it has been found that at the time of submission of application form to the post you were involved in case FIR No.224/92 u/s 279/337 PS Timar Pur which was pending trial against you in the Court and case FIR No.191/90 u/s 279/337 IPC P.S.Samaipur Badli in which you were fined Rs.275 on 12.11.1991 by the Court of Sh.Balbir Singh, M.M.Tis Hazari, Delhi and paid the fine. But at the time of submission of application form to the post you had mention only one case FIR No.224/92 u/s 279/337 P.S.Timarpur in the relevant column of the application form as well as in the attestation form and concealed the facts about your involvement in case FIR No.191/90 u/s 279/337 IPC P.S.Samaipur Badli in


which you were fined Rs.275. This facts was very much in your knowledge but you did not mention it deliberately in the relevant column of the application form as well as attestation form despite clear warning mentioned at the top of both the forms making it clear that the furnishing of false information or suppression of any factual information in the form would be disqualification and is likely to render candidate unfit for employment under the Government".

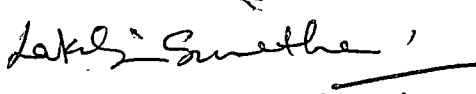
3. On consideration of the relevant facts and circumstances of the case and the explanation given by the applicant to the show cause notice, we do not find any justification to interfere in the impugned order cancelling the candidature of the applicant for the post of Constable (Driver). The same cannot be considered as arbitrary or illegal to warrant any interference, in exercise of the power of judicial review. The applicant has himself admitted that it was "absolutely true that he was fined Rs.275/- on 12.11.1991 in case FIR No.191/90 u/s 279/337 IPC, P.S.Samaipur Badli". His contention that the incidence had occurred long back and was decided on the same date and, therefore, he could not take it seriously is not tenable. His further contention that "moreover, it is worth mentioning that this case is unable to prove to be criminal which could be hided", is not convincing as it is an after thought.

4. As mentioned in the impugned cancellation order, the applicant was required to furnish the relevant information and he could not suppress any factual information in the Attestation Form, which apparently he has done in the present case. It is also relevant to note that he had been given a show cause notice, to which reply had also been given by him which has been duly considered by the competent authority. We are not impressed by the submissions made by Shri S.K.Rungta,

learned counsel that we ought to consider the nature of the offence for which the applicant had been admittedly fined by the competent Criminal Court because what is in issue in the present case is the information he ought to have given in the Attestation form which he has failed to give.

5. In the facts and circumstances of the case, and for the reasons given above, we find no merit in this OA or any justification to quash the impugned order dated 27.8.2001 as prayed for by the applicant. Accordingly, OA is dismissed.

  
( V.K.Majotra )  
Member (A)

  
(Smt.Lakshmi Swaminathan )  
Vice Chairman (J)

sk