

V

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1657/2002

This the 16th day of July, 2002

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

Sukhbir Singh
S/o Sh. Mange Ram,
R/o Qr. No. 227, B-Block,
Nai Seemapuri, Delhi.

(By Advocate: SH. Bhupender Singh)

Versus

1. The Commissioner of Police,
MSO Building, Police Headquarters,
I.P.Estate,
New Delhi.
2. Deputy Commissioner of Police,
Ashok Chand Special Cell (S.B.),
New Delhi.

O R D E R (ORAL)

By Sh. V.K. Majotra, Member (A)

Heard learned counsel for the applicant.

2. Applicant has challenged order dated 19.11.2001 (Annexure-A) whereby applicant's services have been terminated under proviso to sub rule (1) of Rule 5 of Central Civil Service (Temporary Service) Rules, 1965. Learned counsel stated that applicant was engaged as a temporary Sweeper by Delhi Police vide Annexure-B dated 18.4.2001. He stated that applicant's services have been terminated on the ground that he had suppressed information about his involvement in a criminal case: FIR No.541 dated 3.7.82 under Section 7(c)-II PCR Act P.S. Daryaganj, Delhi. Learned counsel stated that as the applicant is an illiterate person he did not know as to what had been filled in various columns of the attestation forms. He had merely appended his signature on the form and

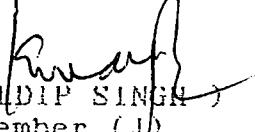
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the entries were filled by some other person. Thus, he had not suppressed any information, as alleged in Annexure-A. Learned counsel stated that his case should not have been dealt with under provisions of CCS (CCA) Rules, 1965 but under Delhi Police (Punishment and Appeal) Rules, 1980. He further stated that applicant had rendered satisfactory services.

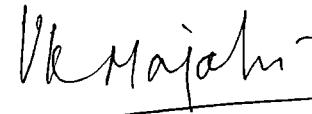
3. From Annexure-B whereby the applicant was appointed as Sweeper with Delhi Police, it appears that applicant's regularisation was made subject to the condition of his satisfactory character verification and medical fitness. On learning that the applicant was involved in a criminal case, respondents issued him a show cause notice dated 10.9.2001 asking him why his services should not be terminated for concealing the fact of his involvement in the criminal case. The ground of illiteracy taken by the learned counsel for not mentioning the factum of applicant's involvement in the criminal case is not acceptable. Although service of the applicant were regularised, such regularisation was subject to verification of character etc. When the applicant had been involved in the criminal case, respondents were right in finding that applicant's character and antecedents are not up to the mark and holding that he had suppressed material facts in the attestation form. We also find that although applicant's services have been regularised, he had not been made permanent yet. In this view of the matter the proviso to sub-rule (1) of Rule 5 of CCS (Temporary Service) Rules, 1965 is applicable to applicant's case.

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4. Having regard to the above decision, we do not find any infirmity in Annexure-A and as such this OA is dismissed in limine. No costs.


(KULDIP SINGH)
Member (J)

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(V.K. MAJOTRA)
Member (A)