

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 3243/2001

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New Delhi this the 5th day of December, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Bir Singh
S/o Shri Akhare Ram
R/O Village & P.O. Surehra(Nazafgarh)
New Delhi-110043. ... Applicant

(By Advocate Shri Dinesh Chandar Yadav)

-versus-

1. The Commissioner of Police
Delhi, Police Head Quarters
I.P.Estate
New Delhi.
2. Addl. Commissioner of Police
Police Head Quarters (Estt.)
I.P.Estate
New Delhi.
3. Dy. Commissioner of Police (H.Q.)
Estt. I.P.Estate
New Delhi. ... Respondents

O R D E R (ORAL)

Shri S.A.T.Rizvi, M (A):-

The applicant was selected for the post of Constable (Driver) in Delhi Police in 1999. However, before he could be appointed in that post, he received a show cause notice on 4.1.2001 asking him to explain as to why the fact that he had been involved in a criminal case (FIR No.41/90 u/s 279/337 IPC) was concealed by him while filling up the application form as well as the attestation form. After consideration of the representation made by him in response to the show cause notice, the applicant's candidature has

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been cancelled by the respondents' letter dated 14.8.2001. The ground taken in the aforesaid letter is that even though in both the forms aforementioned, it was made clear that furnishing of false information or suppression of any factual information would constitute disqualification rendering the applicant unfit for employment under the Government, the applicant has refrained from indicating the details of the aforesaid criminal case in the application/attestation form.

2. The learned counsel appearing on behalf of the applicant submits that ^{the} aforesaid criminal case relates to a minor accident and besides the applicant had already been acquitted in that case by the court on 29.7.1994 and, therefore, there was no reason for concealing the aforesaid information while filling up the application and attestation forms. He also submits that even before the aforesaid show cause notice was received, the applicant had volunteered the aforesaid information in a letter at page 15 of the paper-book addressed to the Deputy Commissioner of Police. In passing the impugned order dated 14.8.2001, the respondents have not taken into account the fact that the applicant had himself volunteered the aforesaid information as above and also the more ^{2 all} important fact that after ^{2 all} the applicant had been acquitted in the aforesaid criminal case way back on 29.7.1994. In such a case, according to the applicant, the cancellation of applicant's candidature

should not have been resorted to. In support of his contention, the learned counsel places reliance on Commissioner of Police, Delhi and another v. Dhaval Singh decided by the Supreme Court on 1.5.1998 and reported in (1999) 1 SCC 246. We have perused the aforesaid judgement and find that the same deals with circumstances substantially similar to the circumstances obtaining in the present case. In that case, the candidature was cancelled even prior to the date of acquittal of the applicant. Despite this position, the Supreme Court held that the cancellation of candidature in that case was invalid. The Supreme Court ^{also} held that cancellation of candidature in that case had arisen from non-application of mind.

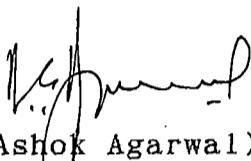
3. We have considered the submissions made by the learned counsel. ^{That} the information volunteered by the applicant well before the aforesaid show cause notice was issued has not been considered by the respondent authority is borne out by the contents of the impugned order dated 14.8.2001. The same should have been considered before passing the aforesaid order. Having regard to this specific circumstance brought to our notice by the learned counsel and keeping in mind the judgement rendered by the Supreme Court in Commissioner of Police v. Dhaval Singh (supra), we are inclined to dispose of this OA at this very stage without issuing notices by directing the respondent authority to consider the matter in the light of the judgement rendered by the Supreme Court in the aforesaid case and having regard to the

applicant's letter of 18.7.2000 and pass a detailed speaking and reasoned order afresh expeditiously and in any event within a period of one month from the date of receipt of a copy of this order.

4. Present OA is disposed of in the aforesated terms.



(S.A.T. Rizvi)
Member (A)



(Ashok Agarwal)
Chairman

/sns/