

Central Administrative Tribunal, Principal Bench

Original Application No.1915 of 1998

New Delhi, this the 16th day of October, 2000

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)  
Hon'ble Mr.V.K.Majotra, Member (A)

Shri Virender Pal Singh, S/o Sh.Bhagwant  
Lal, R/o Village Palla, P.O.Jarora,  
P.S.Khar, Distt. Aligarh (U.P.). - Applicant

(By Advocate Mrs.Sumedha Sharma)

Versus

1. Union of India, through Secretary, Sham Nath Marg, Delhi.
2. Commissioner of Police, P.H.Q., I.T.O., M.S.O.Building, I.P.Estate, New Delhi.
3. Dy. Commissioner of Police, IVth Bn. D.A.P., Kingsway Camp, New Police Lines, Delhi. - Respondents

(By Advocate Shri Harvir Singh)

O R D E R (Oral)

By Mrs.Lakshmi Swaminathan,Member(J)-

This is a second round of litigation by the applicant. The earlier O.A.No.1446/1995, filed by the applicant, was disposed of by the Tribunal vide order dated 22.11.1996. Against this order the respondents i.e. the Commissioner of Police, Delhi and another had filed Civil Appeal No.5510/1997 {arising out of SLP (C) No.10403/97}, which was disposed of by the Hon'ble Supreme Court vide order dated 11.8.1997. In that order, their Lordships have stated, inter alia, that "[W]ithout laying down any law, in the facts of the case, we are of the view that in all fairness a show cause notice should be given". The order of the Tribunal was set aside and it was directed that the appellant should give a show cause notice to the respondent - the present applicant - and pass a suitable order. In pursuance of the Apex Court order it is noticed that a show-cause notice dated 17.12.1997 was

issued to the applicant by the respondents, to which the applicant had also submitted a reply on 31.3.1998. After considering the said reply, the respondents have rejected it by the impugned order dated 19.5.1998.

2. Shri Harvir Singh, learned counsel of respondents has relied on a judgment dated 4.10.1996 of the Hon'ble Supreme Court in DAD Vs. Sushil Kumar (Civil Appeal No.13231/96 arising out of SLP (C) No.5340/96).

3. We have carefully considered the pleadings and submissions made by the learned counsel of parties.

4. In Sushil Kumar's case(supra) relied upon by the respondents, the Hon'ble Supreme Court has laid down that "[V]erification of the character and antecedents is one of the important criteria to test whether the selected candidate is suitable to a post under the State". It is an admitted fact, in the instant case, that there was a criminal case pending against the applicant at the time when he filled ~~up~~ the Attestation Form required by the respondents, which information was not given correctly by him in the Attestation Form, as the applicant had deliberately left the concerned column blank. In the facts and circumstances of the case, we, therefore, find force in the submissions made by Shri Harvir Singh, learned counsel of respondents, that the ultimate result of the criminal case pending against the applicant, at the time when he had applied for the post of Constable, Delhi Police, would not affect the details to be given by him in the Attestation Form.

5. In the present case, as noted above, the principles of natural justice have been fully complied

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with by the respondents in pursuance of the Hon'ble Supreme Court's order dated 11.8.1997 in Civil Appeal No.5510/1997.

6. In view of what has been stated above, we find no good ground to interfere with the impugned action or order of the respondents as what has been done by them is in accordance with law. In the result, the OA fails and is dismissed. No order as to costs.

Majotra

(V.K.Majotra)  
Member (A)

Lakshmi Swaminathan

(Mrs.Lakshmi Swaminathan)  
Member (J)

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