

Central Administrative Tribunal
Principal Bench: New Delhi
O.A. No. 1957/98

(2)

New Delhi this the 13th day of August 1999

Hon'ble Mr. Justice, V. Rajagopala Reddy, VC (J)
Hon'ble Mr. R.K. Ahooja, Member (A)

Gulab Ali
S/o Shri Shamsher Ali
R/o House No. 43
Village-Haus Khas
New Delhi-110016

...Applicant

(By Advocate: None)

Versus

1. Union of India
through the Secretary
Ministry of Home Affairs
North Block, New Delhi
2. Commissioner of Police,
Delhi Police Headquarter,
I.P. Estate, New Delhi
3. Deputy Commissioner of Police
II Bn. DAP, Kingsway Camp
Delhi.

...Respondents

(By Advocate: Shri Bhaskar Bhardwaj
proxy for Shri Arun Bhardwaj)

ORDER (Oral)

By Reddy, J.:

None appears for the applicant even on the
second call.

2. Under the CAT Procedure Rules in the
absence of the counsel for the applicant the case can
be gone into the merits and disposed of. Accordingly
we dispose of the matter on merits.

3. The applicant applied for recruitment as
a constable in Delhi Police. He filled up the
application form for recruitment and attached
necessary documents with the form. In the said

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application form the applicant was asked whether any case was pending against the applicant in any court at the time of making the application. The applicant wrote 'No' in the said column. The applicant said that as he was falsely implicated in a criminal case he has not stated in the form that the said case was pending against him. The applicant was called for interview and he was also tested medically by the respondents in which he came out successfully. The applicant received a show cause notice dated 27.5.98 for cancellation of his candidature on the ground that he suppressed about the pendency of the case against him. After considering the representation the impugned order dated 27.5.90 was passed cancelling the candidature of the applicant.

4. Learned counsel for respondents submits that in the application there was clear warning stating that any false information or concealment of any facts would be considered as a disqualification for the post and that such false information would result in the cancellation of the candidature. Since the applicant admitted that a case was pending against him in FIR No. 69 dated 30.1.97 Police Station Hauz Khas but he supported the same his candidature stood cancelled. In support of his contention he also cited the decision, Delhi Administration Vs. Sushil Kumar in Civil Appeal No. 13231/96 of the Supreme Court decided on 4.10.96.

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5. Admittedly, a case was pending against the applicant on the date when he was making the application. He also stated that there was clear warning that suppression of any true facts that result in the cancellation of candidature. The only plea of the applicant was that he was falsely implicated in the criminal case and he thought that it was not necessary to mention a false case. But it should be noticed that there was a clear warning that any suppression of the facts is a disqualification and that suppression would result in the cancellation of the candidature. What is to be seen is whether the applicant was truthful in giving the particulars in the application and whether he has furnished the true information to the authorities. The application was for the post of Constable in Delhi Police. If the applicant was found to be untruthful even at the time of making application to the post it would not be desirable to allow such a person to be selected to the post of Constable to the disciplined force. In Delhi Administration Vs. Sushil Kumar in Civil Appeal No. 13231 of 1996 decided on 4.10.96, the applicant was discharged or acquitted of the criminal offence. In that view the applicant has not disclosed the information about the pendency of criminal case against him, hence his candidature was cancelled. He approached the Tribunal. The Tribunal allowed the OA on the ground that he was acquitted in the criminal case. While setting aside the decision of the Tribunal the Supreme Court observed that what would be relevant is the conduct and character of candidates to be appointed to the disciplined service

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and not the actual result of the pending case subsequently decided. The view of the Supreme court also supports the case of the respondent.

6. There are no merits in the OA. The O.A. is, therefore, dismissed. No costs.

Reddy
(R.K. Ahooja)

Member (A)

cc.

Reddy
(V.Rajagopala Reddy)
Vice-Chairman (J)