

Central Administrative Tribunal  
Principal Bench

O.A. No. 334 of 1998

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New Delhi, dated this the 2<sup>nd</sup> JUNE, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Ex-Constable Gulzar Hussain,  
No. 10931/DAP,  
S/o Shri Abdul Karim,  
R/o Vill. & P.O. Ranchhad,  
P.S. Binauli,  
Meerut (U.P.)

.. Applicant

(By Advocate: Mrs. Avnish Ahlawat)

Versus

1. Union of India through  
L.G., Delhi through  
Commissioner of Police,  
Police Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi-110002.
2. Sr. Additional Commissioner of Police (AP&T),  
Delhi Police Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi-110002.
3. Dy. Commissioner of Police,  
9th Bn., Delhi Armed Police,  
through Police Headquarters,  
M.S.O. Building, I.P. Estate,  
New Delhi-110002.

.. Respondents

(By Advocate: Shri Ajay Gupta)

ORDER

MR. S.R. ADIGE, VC (A)

Applicant impugns the disciplinary authority's order dated 22.4.96 (Annexure A); the appellate authority's order dated 30.8.96 (Annexure C); and the revisional authority's order dated 7.3.97 (Annexure D).

2. As per applicant's own averments in the O.A., upon receipt of a complaint by respondents that

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applicant and several others had secured employment as constables in the special recruitment drive held at Saharanpur/Rampur in U.P. in May, 1987 by submitting false and bogus employment registration cards, their services were terminated by an order simpliciter under Rule 5(1) CCS (T.S.) Rules. However, pursuant to the C.A.T., P.B. Orders dated 31.5.93 in O.A. No. 22/91 Narendra Kumar & Others Vs. Delhi Administration & Others, those termination orders were quashed with liberty given to respondents to proceed against applicant and others departmentally.

3. Accordingly applicant was proceeded against departmentally vide summary of allegations (Annexure E).

4. The E.O. in his report dated 7.12.95 (Annexure B) stated that the charge against applicant of having produced bogus employment registration card bearing registration No. C-2441 dated 31.1.87 to secure employment as Constable during the special recruitment held in Rampur/ Saharanpur in U.P. in May, 1987 was proved.

5. A copy of the E.O's report was furnished to applicant on 1.3.96 for representation, if any. Applicant submitted his representation on 23.3.96.



6. The disciplinary authority gave applicant a personal hearing on 12.4.96. After going through the materials on record, the disciplinary authority agreed with the findings of the E.O. rejected applicant's submission in his defence, and by impugned order dated 22.4.96 directed removal from service, which order was upheld in appeal vide appellate order dated 30.10.96 and in revision vide order dated 10.3.97. (12)

7. Applicant has now filed the O.A.

8. We have heard applicant's counsel Mrs. Ahlawat and respondents' counsel Shri Ajay Gupta.

9. Mrs. Ahlawat has invited our attention to the cases of Ex-Constable Hirendra Kumar ex-Constable Dhopal Singh ex-Constable Naresh Kumar ex-Constable Yogesh Kumar ex-Constable Harish Kumar and Ex-Constable Naveen Kumar. She has urged that these ex-constables were also similarly proceeded against for allegedly using <sup>^bogus employment registration cards</sup> ~~unfair means~~ in securing employment as constables in the special recruitment drive in Saharanpur/Rampur in 1987, but were exonerated either at the level of the disciplinary authority himself or at the level of the appellate authority and applicant could not be discriminated against. Copies of the relevant orders of the disciplinary/ appellate authority filed by her have been taken on record. In this connection she has relied upon the Hon'ble Supreme Court's ruling in Sengara Singh & Others Vs. State of Punjab & Ors.

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1983 (3) SLR 685, and Excise Supdt. Malakapatnam,  
Krishna District, Andhra Pradesh Vs. K.B.N. 12  
Nageshwara Rao & Others (1996) 6 SCC 216.

10. We have considered these contentions carefully.

11. In Sengara Singh's case (supra) 1100 members the police force were proceeded against departmentally for having participated in an agitation and subsequently dismissed from service. A number of criminal prosecutions were also filed against the participants in that agitation. Some of the members of the Police force who were dismissed from service filed writ petitions in the Punjab and Haryana High Court, but those Writ Petitions were also dismissed. Subsequently about 1000 former members of the police force were reinstated. Those who were not reinstated approached the Punjab & Haryana High Court, but their writ was dismissed. There upon they approached the Hon'ble Supreme Court who by their judgment dated 2.8.93 allowed the appeal and directed their reinstatement as respondents were unable to distinguish before their Lordships these cases from the cases of those who had been reinstated.

12. The present case is, however, clearly distinguishable from the cases of those persons mentioned in Paragraph 9 above. In those cases there were some discrepancies in the actual date on which those persons had been registered with the Employment Exchange, but in the present case applicant produced employment

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✓ registration card No. C-244/87 dated 31.1.87 at the time of the special recruitment held at Saharanpur/Rampur in 1987, but after verification it was found that on 31.1.87 only 40 registration cards were prepared and no employment registration card No. C-2441/87 dated 31.1.87 was registered in applicant's name, whereas such an employment registration card was found in the name of another person viz. Shri A. Agarwal. On further checking it was found that applicant's name was registered in the Employment Exchange on 2.6.87 vide Registration No. 3533/87. 14

13. Thus it is clear that in applicant's case he had produced an employment registration card issued in the name of another person and thus tried to secure appointment by making false representation. This is a far more serious misconduct than that committed by the persons mentioned in Paragraph 9 above and has been fully proved against applicant. Hence his case is clearly distinguishable, and he is not entitled to the ratio for the ruling in Sengara Singh's case (supra).

14. The ruling in the Excise Supdt., Malkapatnam's case (supra) also does not help applicant as the question is not whether appointment should be made only of persons registered with employment exchange or not. The question in the present case is that applicant sought to secure appointment as constable in the special recruitment

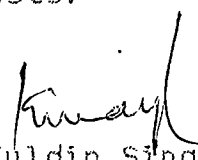
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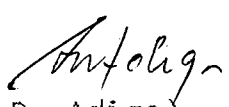
drive held in Rampur/ Saharanpur in 1987 by submitting an Employment Registration Card which did not belong to him but to another man.

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15. The charge against applicant is very serious and it has been fully proved. Applicant was given full opportunity to defend himself and no infirmity serious enough to prejudice him in his defence has been brought to our notice. The departmental proceedings were conducted according to rules and warrant no interference.

16. The O.A. is, therefore, dismissed. No costs.

  
(Kuldip Singh)  
Member (J)  
gk

  
(S.R. Adige)  
Vice Chairman (A)