

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(14)

O.A./T.A. No. 1603 of/19 95 Decided on: 15.1.96

Ram Avtar Singh APPLICANT(S)
(By Shri In person Advocate)

VERSUS

Comm. of Police, Delhi.

..... RESPONDENTS

(By Shri A. Luthra, proxy counsel Advocate)
for Ms. Jyotsna Kaushik

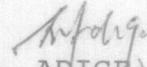
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THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE ~~SHRI~~ DR. A. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal ? No


(Dr. A. VEDAVALLI)
Member (J)


(S.R. ADIGE)
Member (A)

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1603/95

this the 15th January, 1996.

HON'BLE MR. S.R.ADIGE, MEMBER(A).

HON'BLE DR.A.VEDAVALLI, MEMBER(J).

Ram Avtar Singh,
s/o Husan Singh,
Village-Tibra, P.O.Modinagar,
Distt. Ghaziabad, UP.

.....Applicant,

(Applicant in person).

Versus

Commissioner of Police, Delhi,

Police Headquarters., MSD Building, I.P.Estate,
New Delhi,

2nd Addl. Deputy Commissioner of Police,
New Delhi, P.S.Parliament Street,
New Delhi..

.....Respondents.

By Advocate Shri A.Luthra proxy for Ms. Jyotsna
Kaushik for the respondents.

JUDGMENT

Hon'ble Mr. S.R.Adige, Member (A).

In this application, Shri Ram Avtar Singh has prayed for a direction to quash the restriction/condition imposed by the Respondents in their order dated 16.8.95(Annexure-I) requiring that "the candidate should belong to concerned State where the recruitment is taking place and should have acquired the required educational qualifications from that State "¹ _{for recruitment to the Delhi Police} and to direct the respondents to allow him to appear in the recruitment test at Varanasi District and declare him successful if he is otherwise eligible for the post.

2. In an amended OA filed a prayer has also

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been made to cancel the recruitment tests held on the basis of the impugned order dated 16.8.95; to conduct fresh test after removing the restriction mentioned above; to direct the respondents to recruit the applicant against 5% vacancy for wards of police personnel; and to take a separate recruitment test for the applicant, because in the meantime he had missed the test at varanasi.

3. From the materials on record, it would appear that in view of the recommendations of the Khosla Police Commission and the need to maintain the cosmopolitan character of the Delhi Police to enable it to deal effectively with persons who are drawn from all parts of the country and who reside in Delhi, recruitment of Constables to Delhi Police is held not only in Delhi but in different parts of the country. For filling up the vacancies in 1995, a programme was drawn up for recruitment in Delhi and different States. In Delhi, the vacancies were notified to Employment Exchanges within Delhi vide Notification dated 8.6.95 wherein it was specifically mentioned that candidates from different parts of the country who were registered in Employment Exchanges Delhi on or before 3.2.95 would be eligible for consideration provided they fulfilled the other prescribed conditions. The last date for receipt of applications was 30.6.95, which was subsequently extended to 17.8.95. Similarly it was decided to depute recruitment teams to make recruitment of Constables in other States, including H.P.; West Bengal; Rajasthan; J &K; Kerala, UP; MP; Bihar; Punjab; Haryana etc. it was made clear to all concerned teams vide Instructions dated 16.8.95

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(Annexure-FI) that candidates should belong to the concerned states where recruitment was taking place, and should have acquired their educational qualifications from that State to prevent a candidate from claiming the same facility at more than one place.

4. As per the recruitment programme, recruitment in UP was to be made in 2 centres viz. Moradabad between 21.8.95 to 28.8.95, and varanasi between 28.8.95 and 4.9.95.

5. It further appears that the applicant who is the son of a serving SI of Delhi Police had obtained application Form No.103041 for appearing at the Delhi Centre. He applied in the category of ward of Police Personnel and filed along with it the necessary documents, including Character Certificate, Employment Exchange Card, Educational Certificates etc, all issued and relating to Delhi. In the form he gave his permanent address as Qr.No.301, Police Colony, Ashok Vihar, Delhi. This application form was accepted and he was allotted Roll No.32965 dated 31.7.95.

6. We note that the applicant has concealed all these material facts mentioned in paragraph 4 above from us in his OA. Instead it appears that he proceeded to Moradabad and obtained application form No.91409 from the recruiting team there, in which he gave his permanent address as "Village Tibra P.O.Modinagar, Ghaziabad, UP for the recruitment which was to be held at Moradabad from 21.8.95 to 25.8.95. The Recruiting Team rejected that application form because the application intentionally appears to have concealed details as to which Employment Exchange Registration he was registered in, and also because it

violated the instructions dated 16.8.95.

7. Thereupon the applicant appears to have filed this OA claiming that as a resident of UP and having been educated in Delhi, the conditions laid down in the impugned instructions dated 16.8.95 denied him the opportunity to appear in the selection test for the post of Constable in Delhi Police, and on the basis of the application form issued to him at Moradabad he be allowed to appear in the selections to be held at Varanasi.

8. The matter came up for preliminary hearing before us on 30.8.95. The applicant argued his case in person but concealed from us the facts mentioned in paragraph 4 above namely that he had already filled in application for recruitment at Delhi Centre and had been also issued a Roll Number. There ^{he} succeeded in securing an exparte interim direction from us that day to the respondents to permit him to appear at the varanasi Centre, subject to his establishing his identity and fulfilling other prescribed qualifications. The applicant states that he could not reach Varanasi in time, and thus could not appear in the written test.

9. We have heard the applicant in person and Shri Ajesh Luthra for the respondents. We have also perused the materials on record and given the matter our careful consideration.

10. At the outset we must emphatically state that whoever approaching the Tribunal must do so with clean hands, but in the present case, the applicant appears deliberately and with ulterior motive to have concealed

from us the fact that he had appeared for recruitment at the Delhi Centre giving his permanent address as Delhi, all his supporting documents including Employment Exchange Card; Educational Certificates etc. related to and were issued in Delhi, and had also been issued a Roll number based on that application form to appear at the Delhi Centre. In fact during hearing the applicant admitted that he had signed the application form to appear in the Delhi Centre, but claimed the other particulars in that form including his permanent address in Delhi were filled up by some one else.

11. We are not satisfied with this explanation. The applicant has failed to give any plausible reason why if his permanent address was given ^{1/} ~~Gr.No 301, Police Colony, Hoshok Vihar~~ wrongly as Delhi, he himself did not correct it before he submitted his application form to the authorities. Clearly therefore he appeared as a candidate from the Delhi Centre on the basis of his Educational Certificates, Employment Exchange Registration Card etc. all issued and relating to Delhi and on that basis was also issued a Roll number to appear from the Delhi Centre. Under the circumstances his contention that the conditions prescribed in the impugned instructions dated 16.8.95 prevented him from appearing in the recruitment to the post of Constables in the Delhi Police is baseless. It is obvious that to present situations exactly such as this where in the course of a recruitment programme conducted at more than one centre, persons sought to derive benefit by appearing at more than one centre, the respondents have issued the impugned instructions

dated 16.8.95. If the applicant after having been issued the Roll number at the Delhi Centre, wanted subsequently to appear at the Moradabad or Varanasi Centre as a candidate from UP, he could have approached the respondents, explained the entire situation truthfully to them and then made this prayer to them for their favourable consideration, but instead of doing so, he obtained a Roll number on the basis of being a permanent resident of Delhi; then sought to appear at the Moradabad Centre, claiming to be a permanent resident of UP and not securing an admission to the tests from there for various reasons, including non-disclosure of the name of the Employment Exchange where he was registered, he then sought to appear in the Varanasi Centre.

12. The applicant in his written arguments has mainly contended that he was legally entitled to appear in all three recruitment tests held at different dates, at Delhi, Moradabad and Varanasi, inspite of having his educational qualifications in Delhi. If that is his understanding, it is a total misreading of the entire scheme of the Examination, because manifestly during the course of filling up vacancies in anyone particular year through one recruitment programme an individual may appear either in Delhi, if he was educated in Delhi and was registered in an Employment Exchange in Delhi; or in any of the centres in the States if he belonged to that State and had his education there. We see no violation of rules or of Constitutional provisions in such an arrangement.

13. It is thus clear that the applicant's claim that he was denied the right to appear in the 1995

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recruitment of Constables to the Delhi Police is wholly without merit. This OA warrants no interference and is dismissed. No costs.

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(DR.A.VEDAVALLI)
MEMBER(J)

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(S.R.ADIGE)
MEMBER(A)

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