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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH.

O.A.No.1741/95

New Delhi: this 29th day of August, 1996.

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

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

Shri Arun Pandey,
S/o Sh.Surya Narayan Pandey,
r/o Quarter No.B-8, P.S.Nand Nagri,
Delhi-93.Applicant.

By Advocate: Ms. Sumedha Sharma.

Versus

1. Commissioner of Police,
Delhi Police,
Police Headquarters,
MSO Building,
IP Estate,
New Delhi.

2. Deputy Commissioner of Police,
III Bn. DAP (Delhi Armed Police),
New Police Lines,
Delhi.

3. Deputy Commissioner of Police (HQ 1),
Delhi Police Headquarters,
MSO Building,
IP Estate,
New Delhi - 110002Respondents.

By Advocate: Shri Vijay Pandita.

JUDGMENT

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

Heard.

2. Admittedly the applicant did not mention his involvement in two criminal cases, in the application form he submitted for the special recruitment for the post of Constable which was held in Lucknow in January, 1994. It is however not denied that the applicant was honourably acquitted in both those cases by judgments dated 6.7.94 and it is also not the respondents' case that the said judgments have not become final.

It is also admitted by the respondents that the applicant did make mention of his involvement in these two criminal cases in his verification/attestation form dated 19.4.94.

3. The non-mention of the applicant's involvement in the two criminal cases in his application form was no doubt an omission on his part but the fact that he did mention it in the attestation form, leads to an inference, which is not unreasonable that the omission was not a motivated or malafide one. Under the facts and circumstances of this case, we are of the view that the respondents would not be justified in denying the applicant an appointment in the Delhi Police for that omission alone. We are supported in this view by a number of rulings including 1993(2) SCC 145; 1988 (Supple) SCC 795; judgment dated 7.4.93 in OA No.2170/92 Shish Pal Vs. UOI ; judgment dated 3.12.93 in OA No. 1651/93 Bijender Kumar Vs. Commissioner of Police; and judgment dated 19.5.95 in OA No.1525/94 Jagmal Singh Vs. Commissioner of Police & others.

4. In the result, this OA succeeds and is allowed. The impugned order dated 5.5.95 (Annexure-E) is quashed and set aside and the respondents are directed to consider issuing the appointment letter for the post of Constable, Delhi Administration to the applicant, subject to his being otherwise qualified and eligible, in accordance with rules, within 2 months from the date of receipt of a copy of this judgment. No costs.

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(DR. A. VEDAVALLI)
MEMBER (J).

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(S. R. ADIGE)
MEMBER (A)