

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 847 of 1995

New Delhi, this the 2nd day of December, 1995

HON'BLE MR. A.V. HARIDASAN, V.C.(J)
HON'BLE MR. R.K. AHOOJA, M (A)

Sh. Gajraj Singh, Roll No. 71105, S/O
Sh. Raghbir Singh Yadav, R/O Village
Majri Khurd, P.O. Majri Kalan,
Tehsil-Behrod, Distt. Alwar (Rajasthan)

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--APPLICANT.

(By Advocate Sh. L.C.Rajput)

Versus

1. The Lt. Governor, National Capital Territory of Delhi, Raj Niwas, Delhi.
2. Commissioner of Police, Delhi Police, Police Headquarters, I.P.Estate, New Delhi.
3. D.C.P., III Bn. DAP, Kingsway Camp, NPL, Delhi.

--RESPONDENTS

(By Advocate -Sh. Anoop Bagai)

ORDER (ORAL)

By Hon'ble Mr. R.K. Ahoja, M (A)

The applicant who applied for the post of a Constable under Delhi Police, is aggrieved by the decision of the respondents to cancel his candidature on the allaged ground of concealing information regarding a criminal case pending against him.

2. The applicant's ~~sister~~ case that he had been falsely involved in a criminal case instituted by F.I.R. No. 47 under Section 451 & 354, dated 16.6.1990 under Police Station, Mathanda. However, he was acquitted by the Court of Additional Chief Judicial Magistrate by Court's order dated 16.9.1990. He applied for and appeared for selection as a Constable in Delhi Police at Distt. Dosa

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on 5.1.1994. On his selection, he was called upon to fill the attestation form, Column No. 11(4) thereof asked for information whether the applicant was ever involved in any criminal proceeding. The applicant replied in the negative in the knowledge that he had been acquitted by the Criminal Court and the case against him closed. His grievance is that, by the impugned order, the respondents without giving him any notice rejected his candidature. He has come before the Tribunal seeking a directions to the respondents to enlist his name as per the selection held on 5.1.1994 and to give him appointment and training as per rules.

3. The OA is resisted by the respondents.

4. We have heard counsel on both sides. Learned counsel for the applicant, Sh. L.C.Rajpur submits that the applicant was only 16 years of age when the criminal case, in question, was instituted. It was a matter of family dispute and did not reflect normal turpitude. He cited one judgement in OA 2170/1992 decided on 07.04.1993 - Shish Pal Vs. Union of India & Ors. wherein in similar circumstances the orders of cancellation of candidature of the applicant were quashed and the respondents were directed to give the appointment to the applicant.

5. Sh. Anoop Bagai, learned counsel has, however, shown us a copy of the orders of the Hon'ble Supreme Court in Civil Appeal No. 13231 of 1998 Delhi

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Administration through its Chief Secretary & Ors. Vs.

Sushil Kumar. The Hon'ble Supreme Court, in this case, have observed as follows:-

"It is seen that verification 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. Though he was physically found fit, passed the written test and interview and was provisionally selected, on account of his antecedent record, the appointing authority found it not desirable to appoint a person of such record as a Constable to the disciplined force. The view taken by the appointing authority in the background of the case cannot be said to be unwarranted. The Tribunal, therefore, was wholly unjustified in giving the direction for reconsideration of his case. Though he was discharged or acquitted of the criminal offences, the same has nothing to do with the question. What would be relevant is that conduct or character of the candidate to be appointed to a service and not the actual result thereof. If the actual result happened to be in a particular way, the law will take care of the consequences. The consideration relevant to the case is of the antecedents of the candidate. Appointing authority, therefore, has rightly focussed this aspect and found him not desirable to appoint him to the service."

6. In view of the law laid down by the Hon'ble Apex Court, there is no scope to consider the reliefs sought for by the applicant since the applicant admittedly did not record the fact of the criminal case against him in the attestation form and on discovering this fact the appointing authority found him unsuitable for appointment to the Police force. As regards, the point raised by the

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learned counsel for the applicant that no notice was given to the applicant before cancelling his candidature. We find that since he had not acquired any indefeasible right for appointment under the respondents, no notice was required to be given in the matter.

7. The O.A. is accordingly dismissed. No order as to costs.

Akbaras
(R.K. AHOOJA)
MEMBER (A)

AVH
(A.V. HARIDASAN)
VICE CHAIRMAN (J)

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