

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No.  
T.A. No.

2238

1996

16.10.1996

DATE OF DECISION


Jaswant Singh Gujjar ~~xxxxxx~~ Applicant  
Shri S. S. Tiwari Advocate for the ~~Petitioner(s)~~ Applicant  
 Versus  
Government of N.C.T. of Delhi Respondent  
& Others. Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN

The Hon'ble Mr. R. K. AHOOJA, MEMBER (A)

1. To be referred to the Reporter

  
 (Justice C. Sankaran Nair)  
 Chairman

Central Administrative Tribunal  
Principal Bench

O.A.No.2238/96

Hon'ble Justice Chettur Sankaran Nair(J), Chairman  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 16th day of October, 1996

Shri Jaswant Singh Gujjar  
s/o Shri Bhawar Singh  
aged about 25 years  
r/o Vill. & P.O.Pivota  
Teh. Mahua  
Dist. Dausa (Rajasthan).

... Applicant

(By Shri S.S.Tiwari, Advocate)

Vs.

1. Govt. of N.C.T. of Delhi  
through: Chief Secretary  
Govt. of NCT of Delhi  
Raj Nivas Marg  
New Delhi.

2. Commissioner of Police  
Police Headquarters  
I.P.Estate  
New Delhi - 110 002.

3. Deputy Commissioner of Police, HQ(I)  
Office of the Commissioner of Police  
Police Headquarters  
I.P.Estate  
New Delhi - 110 002.

... Respondents

The application having been heard  
on 16.10.1996, on the same day, the  
Tribunal passed the following:

O R D E R

Chettur Sankaran Nair(J), Chairman

Applicant, who was provisionally selected for appointment as Sub-Inspector in the Delhi Police, seeks to quash Annexure-A order, by which his 'candidature for the post of Sub-Inspector(Ex.) was cancelled.' Applicant filled up a form as a prelude to for appointment as Sub-Inspector sometime in the year 1995. That form contains a column enquiring, whether the applicant "had been involved in any criminal case". Applicant answered that he was not involved in any criminal case, while admittedly a First Information Report, for offences punishable under Section 323, 326, 447

and 307 had been registered against him as early as 26.5.1993. When this was discovered, the impugned order was issued. This is under challenge.

2. Learned counsel for applicant submitted that no stigma was attached to applicant by way of conviction, and that his case is covered by the decision in Shish Pal Vs. Union of India & Others, (1993) 25 A.T.C. 311. The question is not whether any stigma is attached by reason of a conviction; the question is whether applicant is guilty of making a false statement for purposes of obtaining appointment. The further question is whether the decision of the Competent Authority to cancel the selection on that ground is vitiated by errors apparent on the face of the record, or whether the decision taken by the authority is so perverse, that no person reasonably instructed in facts and law would have come to it. An authority may be required to take decisions ranging from the just probable to the debatable. The process of judicial review cannot be approximated to an appeal on the merits of such decisions.

3. The decision cited, states:

"Normally, it is the tendency of a person to conceal certain facts which may affect his personality and character. .... It is not uncommon that in village life, in ordinary occurrences, names of other relations also, besides the actual offenders, are added and exaggeration is done in such matters. It is ultimately result of such proceedings which, of course, will stand characterise that person whether he is an offender or an innocent person."

4. These observations will not operate as precedent in deciding the case on hand on its facts. For that matter, there can be no precedents on facts, which bind all future

cases. Precedents, where the question of precedents arise, are limited to declarations on legal issues. There can be, and there is no declaration by the Tribunal that all persons who make false statements, should be selected.

5. In State of Punjab Vs. Ajaib Singh, AIR 1995 Supreme Court 975, the highest Court in the land has taken the view that, those already in Service, and who have been acquitted of criminal charges should not be promoted, during the pendency of an appeal against acquittal. The tenor of the decision is that a high degree of integrity must be insisted upon. The Court observed:

"It is not the competency or efficiency of the officer but his conduct and behaviour and approach of the Government towards such officer which is measured in social scale. In such circumstances action of the Government in not only reinstating but promoting the officer when the appeal by it against his acquittal was pending in Supreme Court is deprecated."

6. We are unable to persuade ourselves to the view that a common frailty of telling lies, cannot attract action. We are also not prepared to think, that the view of the authority, that a person who made a grave suppression of fact should not be granted an appointment, is an unsustainable view. According to applicant (who is a graduate) he is not familiar with English, and he wrote 'No' in column 12 without knowing what he was expected to write. It is difficult to accept such submissions. It is expected that a high standard of purity should be maintained in public services and one must look to contemporary events and set standards. We cannot be a party to a process of lowering of standards of integrity and honesty in public service, nor can we subscribe to the view that a person who utters a falsehood and suppresses a serious matter like the

registration of a criminal case, is a person suited to be appointed to a force which is required to maintain law and order and act as a supportive system to the criminal justice machinery. Atleast, we cannot venture to say that the view in Annexure-A is vitiated by errors apparent on the face of the record.

7. In our view, the application is bereft of any semblance of merit. We dismiss the same.

Dated, the 16th October, 1996.

*R.K. Ahooja*  
(R.K. AHOOJA)  
MEMBER(A)

/rao/

*Chettur Sankaran Nair*  
(CHETTUR SANKARAN NAIR(J))  
CHAIRMAN