

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH.

O.A. NO. 945/96

New Delhi this the 10th day of May, 1996.

(2)

Hon'ble Mr. Justice A.P. Ravani, Chairman.
Hon'ble Mr. K. Muthukumar, Member(A).

Shri Subodh Kumar,
S/o Shri Jagvir Singh,
R/o Village Lank,
District-Muzafarnagar (UP). ... Applicant.

By Advocate Shri M.P. Raju.

Versus

1. Union of India
through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
2. The NCT of Delhi,
through its Chief Secretary,
Old Secretariat,
Rajpur Road,
Delhi.
3. The Commissioner of Police,
Police Headquarters,
IP Estate,
New Delhi. ... Respondents.

ORDER (ORAL)

Hon'ble Mr. Justice A.P. Ravani.

The petition is delayed by about six months. Therefore, on the ground of limitation alone, it should have been rejected. However, instead of rejecting the petition on the ground of limitation, we have heard the learned counsel for the petitioner on merit of the main matter. The petitioner was selected as temporary Constable in the Delhi Police during the special recruitment held at Saharanpur (UP) in the month of May, 1987. During the course of selection, he adopted deceitful means inasmuch

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he produced bogus employment card. On this allegation, a departmental inquiry was held against him. The disciplinary authority held that the charge against the petitioner was proved. The appellate authority also came to the same conclusion. There is concurrent finding of fact. The contention that the authority had no jurisdiction to conduct the inquiry because the misconduct alleged is prior to the employment, has no merit. The employment was sought by *pros* perpetrating fraud of *false representation* *such misconduct*. The disciplinary authority will have certainly jurisdiction to hold the departmental inquiry. *pros* The contention that the condition of registration with Employment Exchange is ultra vires and beyond the powers of the Police Commissioner, has no merit. Even if it is assumed that such condition could not have been laid down, that is immaterial. The question is whether the petitioner committed misconduct of suppressing and *was* suggesting false factual position? This misconduct has been held proved. There is concurrent finding of fact. We see no merit in the application. Hence rejected.

pros
(K. Muthukumar)
Member(A)

'SRD'

pros
(A.P. Ravani)
Chairman