

Central Administrative Tribunal, Principal Bench

R.A.NO. 33/97 in

O.A.No. 2238/96

Hon'ble Shri A.V. Haridasan, Vice-Chairman(J)  
Hon'ble Shri R.K. Ahooja, Member(A)

New Delhi, this 4th day of February 1997

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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

O R D E R

Hon'ble Shri R.K. Ahooja, Member(A)

The applicant had approached this Tribunal aggrieved by the cancellation of his candidature for the post of Sub-Inspector(Executive) on the ground that he had concealed information regarding his involvement in a criminal case while filling up the attestation form for appointment as Sub-Inspector (Executive). The OA was dismissed primarily on the ground that the view of the authority, that a person who made a grave suppression of fact should not be granted an appointment, is not an unsustainable view. The authority of State of Punjab Vs.

Ajaib Singh, AIR 1995 SC 975 was also cited to hold that a high degree of integrity must be insisted upon in a public service.

2. The review application has been filed on the ground that the facts of the afore cited case of State of Punjab Vs. Ajaib Singh (Supra) are not applicable in the instant case, and the Tribunal while passing the order lost sight of the fact that the applicant's knowledge of English was limited and he could not understand the requirement of the attestation form which was in the English language.

3. We have heard the learned counsel for the review applicant. He has urged before us that the education in Rajasthan is in Hindi medium and official work is also done in Hindi as would be apparent on the fact that the certificate obtained from the District Magistrate, Dausa and the Judgment of the Sessions Court in the case in which the applicant was involved are also in Hindi. In these circumstances the applicant could not understand the requirement of the information asked of him in the attestation form which was in the English language. The learned counsel for the review applicant, Shri S.S.Tiwari argued that the applicant having been acquitted of the criminal charge against him, was lead to believe that not being involved any longer in a criminal case, it was not necessary to furnish any information on that point. Further, the learned counsel for the review applicant pointed out that the case of State of Punjab Vs. Ajaib Singh(Supra) related to a case of promotion granted by the authority during the pendency of an appeal against an order of acquittal in a murder case which practice was deprecated by the Supreme Court but in the present case on the other

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hand, the applicant had been acquitted of the criminal charges against him, the case was of direct appointment and not of promotion and the acquittal had taken place before the certificate of District Magistrate, Dausa was issued. 12

4. The learned counsel also cited the following cases in support of his contention that in similar situations the Supreme Court as well as this Tribunal had over ruled the cancellation of candidature when a person to the public post had been acquitted charges against him.

- a) S.S.Maan Vs. Commissioner of Police  
(1993(25) ATC 274).  
(1983 (2) SCC 145).
- b) T.S.Vasudevan Nair Vs. Director of Vikram  
Sarabhai Space Centre(1988(Supp.) SCC 795).
- c) Shri Yoginder Singh Vs. Union of India & Oth.  
(SLJ 1996(2) CAT 226).

5. We have given carefull consideration to the arguments advanced by the learned counsel. We find that due note was taken of the same arguments in the impugned order both as regards the point that no stigma was attached to the applicant by way of conviction and that the applicant (who is a Graduate) was not familiar with English language. We find no reason to come to a different conclusion after going through the above cases relied upon by the learned counsel. In Satyender Singh Maan Vs. Commissioner of Police and Another, (1993) 25 ATC 274(supra) it was held by the Tribunal that Rule 6 of the Delhi Police (Appointment and Recruitment) Rules, 1980 dealing with the ineligibility of the person to be appointed in the Delhi Police does not refer to involvement in a criminal case as one of the grounds of ineligibility. The applicant in that case had been acquitted by the Criminal Court of the charges brought against him. We are of the view that, this case does not cover the case of the present

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applicant since it is not involvement in criminal case per-se which is the basis of the rejection of his candidature but the furnishing of wrong information inasmuch as he concealed such an involvement. In the case of State of Madhya Pradesh Vs. Rama Shanker Raghuvanshi and Another, 1983(2) SCC 145(supra) the issue was the termination of service of the Government servant merely on the basis of a police report suggesting unsuitability because of participation in "RSS and Jan Sangh activities". The order of termination was struck down. However, here again the ratio is not applicable to the present case since the cancellation of candidature is not based on police report of unsuitability on the ground of political activities. In T.S.Vasudavan Nair Vs. Director of Vikram Sarabhai Space Centre and Others, 1988(Supp.) SCC 795, the Supreme Court had set-aside the orders of denial of appointment in the special facts and circumstances of the case. The same does not establish a ratio decidendi for the present case. We therefore, find that none of the cases relied upon by the learned counsel for the applicant assist the case of the review applicant. The learned counsel also urged that the facts of Ajaib Singh (Supra) were not relevant and the Tribunal had erred in placing reliance on the ratio of that order. We agree with the learned counsel that the facts in that case were different. However, in the impugned order the case of Ajaib Singh was cited in support of the view formed by the Bench that high standard of purity should be maintained in public services and a person who utters false hoods and suppresses a serious matter should not be granted appointment in the public services. The observation of the Supreme Court in Ajaib Singh's case that "it is not the competency or efficiency of the officer but his conduct and behaviour and

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✓ approach of the Government towards such officer which is measured in social scale" applies to all those who are in public services. We, therefore, find nothing wrong in the Bench relying upon this dictum of the Ajaib Singh decision. (A)

6. The contention of the learned counsel that the Bench overlooked the fact that the applicant was not familiar with the English is not sustainable. As noted in the impugned order the applicant being a Graduate it cannot be said that he could not read English or could not understand the question even if his main education was done through the Hindi medium. We cannot accept that in holding this view the Bench had committed an error apparent on the face of the record.

7. In the light of the above discussion, we consider that the Review Application is without any merit. The same is accordingly, dismissed.

  
(R.K. AHOOJA)  
MEMBER(A)

/rao/

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