

(14)

Central Administrative Tribunal
Principal Bench: New Delhi

O .A. No. 372/97

New Delhi this the 28th day of July, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

Ex. Con. Khush Pal Singh (No. 151/P)
S/o SHri Kuwar Singh,
R/o Q.No. 249, Police Colony,
Shalimar Bagh, New Delhi.

...Applicant

(Applicant in Person)

Versus

1. Govt. of NCT of Delhi
through Chief Secretary,
Govt. of NCT of Delhi,
Raj Niwas Marg,
New Delhi.
2. Commissioner of Police,
Police Headquarters,
I.P. Estate, New Delhi-110 002.
3. Deputy Commissioner of Police,
I.G.I. Airport, New Delhi.

...Respondents

(By Advocate: Shri V.K. Rana proxy for
Shri Vijay Pandita)

ORDER (Oral)

By Mr. V.K. Majotra, Member (A)

This application is made against the orders dated 1.6.1996 and 1.6.1995 conveyed to the applicant vide letter dated 16.9.1996 pursuant to the applicant's representation read with order dated 5.6.89, terminating the services of the applicant who had been appointed as a temporary Constable in Delhi Police w.e.f. 1.4.1986. This order has been passed under Rule 5 (1) of the CCS (Temporary Service) Rules, 1965. According to the applicant, he was selected and appointed as a temporary Constable w.e.f. 1.4.1986. He was absent without prior permission for a period of 9

days and 10 hrs w.e.f. 18.10.1988 to 27.10.1988 which period was after the enquiry treated as leave without pay. The applicant has contended that no reasons have been assigned for termination of the services of the applicant and that the services have been terminated by a colourable exercise of power. He has sought setting aside and quashing of the impugned order dated 5.6.89 with all consequential benefits.

2. The respondents in their counter have raised the question of limitation on the ground that whereas the services of the applicant were terminated on 5.6.89 against which he had made a representation on 5.6.90 which was also rejected, he has filed the present O.A. on 17.2.97 i.e. much after the period of limitation. The applicant has been making repeated representations which will not condone the objection of limitation. According to the respondents, the applicant has submitted false statements regarding his academic qualifications and date of Birth. In the application/attestation form he had indicated 1.1.1963 as his date of Birth and High School passed as Educational qualification. On verification of the particulars contained in the application/attestation form, it was discovered that the applicant had made false statements; actually his date of Birth was 5.7.1967 and his Educational qualification was only middle failed. Thus he did not fulfil the requisite eligibility qualifications for the post of Constable in Delhi Police. The applicant had also failed to submit any documentary proof in regard to

his date of Birth and academic qualifications. As such, his services were terminated under Rule-5 (i) of CCS (TS) Rules, 1965 vide order dated 5.6.1989 which was conveyed to him on 27.7.90 through Registered/AD.

3. We have heard the learned counsel of both side and carefully gone through the material on record and the records produced by the respondents. On 28.6.2000, the case was adjourned so that applicant's counsel would see the official records produced by the respondents' counsel and give his supplementary arguments. However, the learned counsel of the applicant has been absent today and the applicant is present in person.

4. Learned counsel of the applicant contended that applicant had not received the impugned order dated 5.6.89 and that the applicant had made several representations against the same. Thus, the objection regarding the limitation should not sustain. From the records, we find that applicant had represented against the impugned order on 5.6.90 which was rejected and thereafter the applicant has been resorting to making representations to the concerned authorites/even to the Lieutenant Governor of Delhi. The applicant has not even filed any application for condonation of limitation. Learned counsel of the respondents has drawnn our attention to S.S. Rathore Vs. State of M.P., AIR 1990 SC 10 and also Ex Capt. Harish Uppal Vs. Union of India & Ors JT 1994 (3) SC 126. In view of the ratio of the

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aforestated cases holding that the applicant had slept over his rights for a long number of years and also that the repeated unsuccessful representations, not provided by law, would not enlarge the period of limitation and particularly when no application has even been made for condonation of delay. In any case, we have verified from the records produced by the respondents that the applicant himself had admitted in writing that his date of Birth was 1.1.1967 and that his academic qualification was only middle class failed. However, in order to secure employment, he had given false particulars in respect of his date of Birth as well as Educational qualification. In such an event when the applicant had committed a fraud to secure employment, he cannot be allowed to raise the objection of violation of principles of natural justice. Reliance is placed on (1996) 32 ATC 789 (State of M.P. and Ors Vs. Shyama Pardhi and Ors).

5. In the facts and circumstances of the case and in view of the reasons given above, we do not consider it appropriate to interfere with the impugned order. The OA is, therefore, dismissed. No order as to costs.

V.K. Majotra

(V.K. Majotra)
Member (A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

CC.