

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1153/2000

New Delhi: this the 2nd day of AUGUST, 2001

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A).

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Ex.(Recruit) Constable Vijender Singh,
S/o Shri Sehdev Singh,
R/o Vill. & PO Chapprauli Arya Nagar,
Distt. Bagpat, Up-250617

...Applicant.

(By Advocate: Shri Sachin Chauhan)

Versus

1. Union of India
through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. Commissioner of Police,
Delhi,
Police Head Quarters,
I.P.Estate, MSO Building,
New Delhi.

3. Addl. Commissioner of Police,
Head Head Quarters, I.P.Estate,
MSO Building,
New Delhi

4. Dy. Commissioner of Police,
2nd Bn., DAP.,
New Police Lines,
Kingsway Camp,
Delhi

.....Respondents.

(By Advocate: Shri Ram Kawar)

ORDER

S.R.Adige, VC(A):

Applicant impugns respondents' letter dated 3.5.2000 (Annexure-A1) rejecting his representation dated 11.1.2000 for recruitment as a Constable in Delhi Police.

2. Pleadings reveal that applicant had appeared in recruitment for the post of Constable (Exe) in Delhi Police in 1991 and was provisionally selected.

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Upon a complaint being received that he had appeared in High School Exam., 1991 in place of one of his relatives the allegation was inquired into. The allegation was got inquired into and respondents received a report from the Regional Secretary, High School Education Council, Regional Office, Meerut on 8.1.93 that applicant had appeared in the aforesaid exam. against Roll. No. 1259026 in place of one of his relatives Shri Sudhir Kumar by affixing his own photograph on the application form of his relative. However, Shri Sudhir Kumar had also appeared as a regular candidate against Roll. No. 208450. The authorities further informed respondents that they had decided to cancel the High School and Intermediate certificate issued to applicant for this impersonation.

3. Accordingly respondents, after examination, cancelled applicant's candidature vide letter dated 28.1.93. A criminal case FIR No. 60/93 U/s 419/420/ 468 IPC was also instituted against him.

4. Applicant upon being acquitted in the criminal case submitted his representation for reconsideration of his case for appointment as Constable. Respondents state in their reply that applicant was asked to first obtain his educational certificates of having passed High School and Intermediate Exam. and submit them to respondents vide letter 6.10.98 to enable them to consider his case. Applicant states that he has submitted the same to respondents and this averment is not denied by them. However, respondents by impugned order dated 3.5.2000

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have rejected applicant's candidature by a bald cryptic order, which gives no reasons why they found it fit to reject his case. When respondents themselves by their letter dated 6.10.98, asked applicant to submit his educational certificates to enable them to consider his case, they should have atleast communicated to him the reasons which led them eventually to reject his candidature.

5. The OA succeeds and is allowed to the extent that the impugned letter dated 3.5.2000 is quashed and set aside. Respondents will communicate within 3 months from the date of receipt of a copy of this order the reasons which led them to reject applicant's candidature as a Constable in Delhi Police. Thereafter, if any, grievance still survives it will be open to applicant to agitate the same in accordance with law, if so advised. No costs.

A. Vedavalli

(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

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