

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

Hon'ble Shri Shanker Raju, Member (Judicial)

O.A.No.1616/2000

New Delhi, this the 7th day of September, 2001

Krishan Pal  
s/o Shri Surender Singh  
Ex-Casual Labourer-Planning Commission  
Yojna Bhawan  
New Delhi. ... Applicant

(By Advocate: Shri U.Srivastva)

Vs.

1. Union of India through  
The Secretary  
Planning Commission  
Yojna Bhawan  
New Delhi.
2. The Dy. Chairman  
Planning Commission  
Yojna Bhawan  
New Delhi.
3. The Section Officer  
Planning Commission  
Room No.415, Fourth Floor  
Yojna Bhawan  
New Delhi. ... Respondents

(By Advocate: Shri N.S.Mehta)

O R D E R (Oral)

By Shanker Raju, Member (J):

The grievance of the applicant is that the applicant having worked as Casual Labour for the requisite days his services have been disengaged by the respondents w.e.f. 1.8.2000 by an order dated 31.7.2000. The applicant states that though he is involved in three criminal cases but on mere registration of FIR it would not be construed that he is guilty of the offence and for this he has relied upon a decision of the Apex Court in State of Gujrat & Anr. Vs. Suryakant Chunilal, 1999(2) SLJ 28. It is also stated that the foundation of the order of termination is alleged misconduct of suppressing the

material information and as such the same makes the order punitive and before that without according an opportunity, the respondents are resorted to dispense with the services which is not permissible and is not tenable as per the principles of natural justice.

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2. On the other hand, strongly rebutting the contentions of the applicant, the learned counsel for the respondents states that the applicant has been facing three criminal cases one under Section 323, 504, 506 IPC and another under the Arms Act and while filling up the attestation form the applicant has, despite pendency of the cases, written 'No' in Columns 'A' and 'B' despite warning on the top of the attestation form which indicates that false information is given or any information is suppressed that would entail termination. The learned counsel for the respondents further stated that as per the guidelines of the Government of India and more particularly OM dated 7.6.1983 any evidence of participation in criminal activity is treated to have affected the integrity and efficiency of service and as per the OM dated 30.4.1965 in case of suppression of material facts pertaining to the criminal case, the services of a Government servant can be terminated as per the warning clause in the attestation form.

3. I have carefully considered the rival contentions of both the parties and perused the pleadings on record. In my considered view the applicant has been disengaged not as a punitive measure but on the basis that he suppressed the factual information pertaining to the criminal cases

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in the attestation form despite he has been warned by a written clause of warning at the top of the attestation form. The integrity and efficiency of a Government servant is a paramount consideration in case this associated in any criminal activity which shows his integrity and efficiency, he is to be discharged from the Government service as per the guide-lines laid down by the Government of India. In this view of the matter, no legal infirmity is found in the order of termination. Admittedly, the applicant was facing criminal trials in three cases but yet he has not disclosed in the attestation form. However, in case the applicant is honourably acquitted of the charges against him in the criminal cases, he is free to apply to the Government service, the respondents should not block his way by resorting to the impediment of furnishing the relevant information as such it is also observed that in case it is found that he is acquitted from all the criminal charges, his case may be considered for engagement in accordance with the relevant rules and instructions.

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4. In view of the above, having find no merit in the OA, the OA is accordingly disposed of. No costs.

S. Raju  
(SHANKER RAJU)  
MEMBER(J)

/RAO/