

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 222/2000

New Delhi this the 11th day of September, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

(6)

Ex. (Recruit) Constable Manjeet Singh
S/o Shri Jai Pal Singh
R/O Village & P.O. - Bhat Gaon
Durgaran, Sonipat
Haryana

... Applicant

(By Shri Shanker Raju, Advocate)

-versus-

1. Union of India,
Through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
2. Commissioner of Police,
Delhi Police Head Quarters
MSO Building, I.P.Estate,
New Delhi.
3. Dy. Commissioner of Police,
Communications,
Old Police Lines, Raj Pur Road,
Delhi. ... Respondents

(By Advocate Shri Ajesh Luthra)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

An order passed on 8.10.1999 by the Deputy Commissioner of Police at Annexure A-2 terminating the services of the applicant from the post of Constable (Executive) is impugned in the present OA.

2. Applicant vide his application of 2.6.1998 had applied for being enrolled as a Constable (Executive) in Delhi Police during the recruitment held in 1998 (1st phase). After he was enrolled as Constable (Executive) in terms of his application, it was revealed that the applicant was involved in a

M.J.R.

criminal case being FIR No.130/96 dated 30.3.1996 under Section 324 read with Section 34 of the Indian Penal Code, Police Station Sadar, Sonepat, Haryana. He was arrested in connection with the aforesaid incident on 30.3.1996 and was released on bail on 8.4.1996. Though the said case was pending against him, applicant had suppressed the said fact in his application form for enrollment in Delhi Police dated 2.6.1998. Not only did he suppress the said fact in his application form, but also in the attestation form which he later on filled on 12.9.1998, as also in the undertaking which he had submitted on 1.12.1998. In view of the aforesaid suppression, a ~~show cause~~ notice dated 16.7.1999 was issued to the applicant to show cause why his services should not be terminated on the ground of the aforesaid suppression. Applicant sent his reply on 5.8.1999 whereby he had, inter alia, contended that he had erroneously omitted to furnish the said information in his application form. He by his communications dated 11.6.1998 and 27.8.1998 had furnished the said information. In support of his plea that he had furnished the aforesaid information, he ^{had} submitted copies of the letters and the receipts of UPC. By the impugned order passed on 8.10.1999 at Annexure -2, the services of the applicant have been terminated.

3. We have heard Shri Shanker Raju, learned counsel appearing in support of the OA as also Shri Ajesh Luthra, learned counsel appearing on behalf of the respondents. We have perused the entire material on record and we are satisfied that the claim made in

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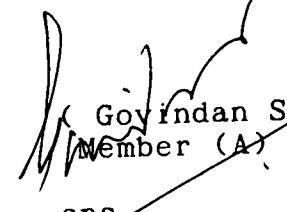
the present OA is devoid of merit and the same accordingly deserves to be dismissed. (8)

4. Applicant has come up with a tall claim that he had erroneously omitted to furnish the information regarding the pendency of the prosecution in his application form. He had, however, submitted the said information by his communications dated 11.6.1998 and 27.8.1998. Aforesaid claim, we find is ~~heavily~~ ^{wholly} dishonest. Applicant is seen to have filled up the attestation form at a later date on 12.9.1998. He has thereafter submitted an undertaking by a letter dated 1.12.1998. In both these documents, applicant has made a solemn statement that no prosecution has been lodged or is pending against him. If one has regard to the aforesaid statement contained in the aforesaid attestation form and undertaking which are of later dates than the information which he has alleged to have sent on 11.6.1998 and 27.8.1998, said claim is apparently false and fabricated. If applicant had furnished the information in regard to the pendency of the prosecution on 11.6.1998 and 27.8.1998, it is inconceivable that he ~~had not~~ ^{would} concealed the said fact in his attestation form and the undertaking which he has filled in on later dates. Applicant, it is, therefore, apparent has made a false claim in order to buttress his case for the purpose of retaining his service. He has thus approached this Tribunal with unclean hands. A candidate who is not only seen to have suppressed the fact of the pendency of the prosecution but has also gone on to fabricate documents in order to make good his false claim, in

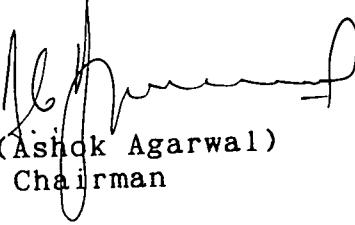
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the circumstances does not deserve to be in the Police service. Acquittal of the applicant on a later date will not come to his rescue in the aforesated facts and circumstances. (9)

5. Present OA in the circumstances is dismissed with costs quantified at Rs.10,000/- (Ten thousand only).


Govindan S. Tampi
Member (A)

sns


(Ashok Agarwal)
Chairman