



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.252/2019

This the 21st day of December, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd.Jamshed, Member (A)**

Anuj Kumar, designation – fresh appointment,
Group -B, Age -21,
S/o Sh. Vijay Kumar,
VPO-Naidu, Tehsil-Mawana,
District-Meerut-UP 250401.

... Applicant

(through Mr. Jatin Rana, Advocate)

Versus

1. Union of India,
Through Secretary,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi- 110001.

2. Delhi Police,
Through Commissioner of Police,
MSO Building, Indraprashta Marg,
IP Estate, New Delhi – 110095.

... Respondents

(through Mr. AmitAnand, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:



The applicant responded to a notification issued by the Delhi Police, for selection to the post of Constable in the year 2015. He claimed the status of an OBC candidate. On the basis of the performance in the written test, he was provisionally selected, and it was subject to physical endurance and measurement test. Against the column in the application form as regards the pendency of any Criminal Case, the applicant mentioned as "No FIR was filed".

2. Since, the applicant was one of the selected candidates, the respondents undertook verification of his character and antecedents. In the verification report obtained in this behalf, it was mentioned that the applicant was shown as an accused in FIR No. 15/18 in PS, Falawada, District – Meerut. It was in relation to the offences punishable under sections 147/149/323/307/504/506/324/325 of IPC.

2. The respondents issued a show cause dated 09.07.2018 requiring the applicant to explain as to why his candidature should not be cancelled. Applicant submitted

an explanation stating that he was not aware of filing of an FIR against him. Taking the same into account, the respondents passed an order dated 19.09.2018, cancelling the candidature of the applicant vide order dated 19.09.2018. This OA is filed challenging the said order.



3. The applicant contends that he was not aware that he was shown as an accused in FIR and after issuance of the show cause notice, he verified the record and it emerged that he was shown as an accused at the initial stage and his name was dropped at the time of filing of charge sheet. He submits that there is no justification for cancelling his candidature.

4. Respondents filed a detailed counter affidavit. It is stated that the applicant was required to furnish the details of any pending criminal case in the attestation form and since the applicant did not furnish the same, it is a serious lapse on the part of the applicant. It is also stated that since, the applicant has furnished the wrong information, his candidature for the post of Constable was cancelled.

5. We heard Mr. JatinRana, learned counsel for the applicant and Mr. AmitAnand, learned counsel for the respondents.



6. It is a matter of record that the applicant was selected as Constable and has also cleared physical and medical test. Before a person is actually appointed as constable, the verification of character and antecedents is undertaken. There exists a separate column in the application form as regards the information about the involvement in any Criminal Case. Even when a person is acquitted in a criminal case, he is required to mention the particulars thereof. In the instant case, the applicant stated that no FIR was filed against him. In the course of verification of antecedents, it emerged that the applicant figured as accused in FIR No. 15/18. Even if it is true that he was not summoned by the police or his name was dropped at the time of filing of the charge sheet, what becomes relevant is that the omission or his failure to supply information about the filing of the FIR against him.

7. Had the applicant mentioned the filing of FIR against him, he would have been certainly appointed, by taking into account the fact that his name was dropped at the time of

filng of the charge sheet. The omission on the part of the applicant to furnish the particulars of involvement in the criminal case was certainly be fatal to his candidature, if infact he was shown as acquitted in the criminal case.



7. We do not find any merit in the OA and the same is dismissed. There shall be no order as to costs.

(Mohd.Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/rk/ankit/sd