



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

O.A. No. 220/2019

This the 7th day of October, 2020

(Through Video Conferencing)

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

Arun Kumar, S.o. Sh. Shyampal Singh,
Sub: Recruitment/Constable, Aged – 22 yrs./Group-C,
R/o Vill-Sadharanpur & PO: Gulaothi, Bulandshahar (UP).

...Applicant

(By Advocate: Mr. M. K. Bhardwaj)

VERSUS

1. Govt. of NCT Delhi through the Chief Secretary, Delhi Secretariat, New Delhi.
2. The Commissioner of Police, Police Head Quarters, I.P. Estate (ITO), New Delhi.
3. Dy. Commissioner of Police, Recruitment Cell, Delhi.

...Respondents

(By Advocate: Mr. Amit Anand)

ORDER (Oral)

Hon'ble Mr. Mohd. Jamshed, (Member A)

The petitioner had applied for recruitment of temporary Constable (Executive) Male in the Delhi Police in 2016. He had earlier applied for recruitment of Constable in CISF and on being selected, he had joined on 04.06.2017.



Later, on qualifying all the mandatory examination for recruitment of temporary Constable (Executive) Male in Delhi Police in the year 2016, he resigned from CISF on 11.04.2018 in order to join Delhi Police. It is stated that he had filled the verification form for Delhi Police in March, 2018 due to an inadvertent mistake he had filled 'No' in Column No. 10(b) regarding his previous service in CISF. Subsequently on 04.06.2018, he informed the respondents about this inadvertent mistake requesting that he should be considered for selection as Constable in Delhi Police. However, the respondents issued a Show Cause Notice (SCN) on 19.07.2018, taking note of his application dated 04.06.2018 and indicating as to why action should not be taken against him for concealing material information regarding his previous service in the attestation form despite a clear warning that any incorrect information shall make the candidate ineligible for recruitment to the aforesaid post.

2. The applicant submitted a detailed reply to the show cause notice on 03.08.2018. The respondents vide order dated 04.09.2018 advised him that his case has been examined and it is found that he has suppressed material information. Hence, he is not found eligible for recruitment to the post of Constable (Executive) Male in Delhi Police and



that his candidature for the post of Constable (Executive) Male in Delhi Police is cancelled with immediate effect. Being aggrieved by this order, the applicant preferred a detailed representation dated 19.09.2018 which was also rejected by the respondents.

3. The applicant has filed the present OA challenging the impugned order dated 04.09.2018 cancelling his candidature for recruitment as Constable (Executive) Male in Delhi Police and the order dated 04.09.2018.

4. The applicant also contends that although he was selected as Constable in CISF, he wanted to join Delhi Police for which he passed the qualifying examination. He had also resigned from the post of Constable in CISF on 11.04.2018 and, thereafter, he had also submitted an application to the respondents on 04.06.2018 indicating that certain information has been incorrectly filled by him in the verification form by mistake. The applicant had also relied upon the order passed by this Tribunal in OA No. 4153/2018 dated 31.10.2018 and Apex Court judgment in CA No. 2537/1998 dated 01.05.1998.

5. Sri M.K. Bhardwaj, learned counsel for the applicant, vehemently argued that as soon as the applicant became aware of the inadvertent mistake in the form, he had made



a representation. He contends that the applicant had himself made a representation dated 04.06.2018 to the respondents requesting that the inadvertent mistake may be corrected and therefore, cancellation of his candidature on this account is not tenable.

6. Learned counsel for the respondents submitted that the applicant had suppressed material information regarding his previous service in CISF in the attestation form despite a clear warning given in the form itself and, therefore, this act of the applicant amounted to concealment and misrepresentation of the fact for which he was duly issued show cause notice. He submits that the Competent Authority vide order dated 04.09.2018 considered the letter dated 04.06.2018 of the applicant and passed detailed order mentioning that for concealing material facts his candidature is cancelled with immediate effect. It is also argued that the representation was duly considered by the respondents and a detailed speaking order was passed on 12.12.2018 indicating that at the time of filling of attestation form in Column No. 10 (B) he has clearly mentioned that “□□□ □□□□□ □□□ □□□□□□□ □□□□□ □□□ □□□”. Thus he has concealed the fact of his service in CISF deliberately.



7. It is a fact that the applicant was provisionally selected for Constable (Executive) Male in Delhi Police subject to medical/physical fitness and character and antecedents verification. He submitted the application dated 04.06.2018 for which he was issued a show cause notice dated 19.07.2018 by the respondents indicating as to why his candidature for the post of Constable should not be cancelled for concealment and misrepresentation of facts. He was further called for oral representation on 28.08.2018 by the respondents. There also his explanation was not found convincing and his candidature was cancelled vide impugned order dated 04.09.2018. His representation dated 19.09.2018 and application dated 06.12.2018 were also considered by the respondents and a detailed order was passed on 12.12.2018, rejecting his representation/appeal.

8. The facts of the judgments relied upon by the applicant are different from the facts of this case. This is the 2nd round of litigation. Earlier, the applicant had also filed O.A No. 4153/2018 with the same pleading and in the order dated 31.10.2018, learned counsel for the applicant had submitted that his representation dated 19.09.2018 addressed to the respondents is pending and he will be satisfied if a time bound direction is given to the respondents to decide his



representation. The Tribunal disposed of the OA with a direction to the respondents to decide the representation of the applicant. The present OA has been filed after the representation has already been disposed of.

9. We do not find any infirmity or illegality in the orders passed by the respondents in this case. The OA is devoid of merit and the same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ankit/dsn/Rks