

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 134 1986
~~TAX NO.~~

DATE OF DECISION 21.5.1986

Sri Pal

Petitioner

Shri U.S. Chaudhary

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Shri K. C. Mittal

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S.P. MUKERJI, MEMBER

The Hon'ble Mr. H.P. BAGCHI, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?

JUDGEMENT

2

The applicant has come up under Section 19 of the Administrative Tribunals Act praying that the respondents be directed to confirm the petitioner as Peon on the basis of the interview held on 8.5.85 and that he should be taken on duty

from the date he was refused by the respondents to join and discharge his duty i.e. 16.12.85. The facts of the case are simple and straightforward. The applicant was working as a daily rated Peon with respondent No 2 from 2.7.82 till 1985. In 1985 the question of his being inducted as a temporary Peon was taken up and he completed the necessary application form on 27.5.85, a photostat copy of which is available at Annexure-I to the counter affidavit. He was interviewed and medically examined but was not appointed and not allowed to join duty thereafter. The reason for this has been revealed by the respondents as ^{the} suppressing of vital information by the applicant while filling up the application form on 27.5.85 referred to above. In column 12, against clauses (a) and (b) where he was asked to indicate whether he was ever arrested or prosecuted, he replied in the negative, whereas it is admitted by him that he along with others had been committed to the Sessions, but he was later acquitted. The learned counsel for the respondents has put up the original of the inquiry report received from the Deputy Commissioner of Police dated 1st July 1985 in which it has been clearly stated that the petitioner had been arrested in FIR 88 dated 23.3.81 under Section 308, 452, 323/34 of the IPC in Police Station Mehrauli and was acquitted on 28.3.85 by the Court of Shri S.P. Singh Chaudhary. From the documents and facts of the case, it is clear that the petitioner had given wrong information and suppressed information about his arrest and prosecution. The warning at the top of the application form indicated as follows:-

" The furnishing of false information or suppression of any factual information in the Attestation form would be a disqualification, and is likely to render the candidate unfit for employment

under the Government.

2. If detained, arrested, prosecuted, bound down, fined, convicted, debarred, acquitted etc. subsequent to the completion and submission of this form, the details should be communicated immediately to the authorities to whom the attestation form has been sent early, failing which it will be deemed to be suppression of factual information.

If the fact that false information has been furnished or that there has been suppression of factual information in the attestation form comes to the notice at any time during the service of a person, his services would be liable to be terminated."

2. This warning has been repeated after Item 12 of the Proforma in following terms:-

" If the answer to any of the above mentioned question is 'yes' give full particulars of the case/arrest/detention fine/conviction/sentence/punishment etc. and or the nature of the case pending in the Court/University/Educational Authority etc., at the time of filling up this form. ...Does not arise.

(i) Please also see the 'warning' at the top of this Attestation Form.

(ii) Specific answers to each of the questions should be given by striking out 'yes' or 'No' as the case may be. "

3. Accordingly, it was incumbent upon the petitioner to give details about his arrest and prosecution and by suppressing these facts he has disqualified himself for employment under the Government in accordance with the warning noted above.

4. In the facts and circumstances of the case, we do not see any merit in the application for our intervention. The application is accordingly rejected. There will be no order as to costs.

(H.P. BAGCHI)
JUDICIAL MEMBER

21.5.86

(S.P. MUKERJI)
MEMBER