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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. OA 836 / 1986.  
T.A. No.

DATE OF DECISION 22.1.1987.

Shri Kamod Singh Petitioner

Shri S.N. Bhardwaj Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

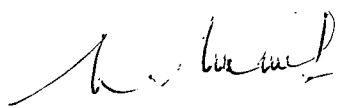
Shri Surinder Singh, Advocate for the Respondent(s)  
Pairvi Officer.

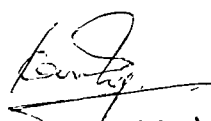
CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member (A).

- 1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
- 2. To be referred to the Reporter or not? Yes
- 3. Whether their Lordships wish to see the fair copy of the Judgement? No
- 4. Whether to be circulated to other Benches? No

  
(Kaushal Kumar)  
MEMBER (A)  
22.1.87.

  
(K. Madhava Reddy)  
CHAIRMAN  
22.1.87.

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

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REGN. NO. OA 836/86

Dated: 22.1.87

Shri Kamod Singh ..... Applicant

Vs.

Union of India & Others ..... Respondents

CORAM: Hon'ble Mr. Justice K. Madhava Reddy, Chairman  
Hon'ble Mr. Kaushal Kumar, Member

For the Applicant ..... Shri S.N. Bhardwaj, counsel.

For the Respondents ..... Shri Surinder Singh, Pairvi  
Officer.

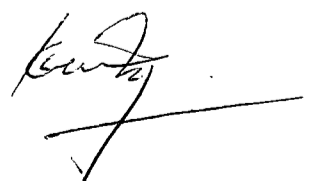
( Judgement of the Bench delivered by Hon'ble  
Mr. Justice K. Madhava Reddy, Chairman)

The applicant Shri Kamod Singh had applied for the post of a Constable in the Delhi Police in the year 1985 when recruitment was held in the State of Uttar Pradesh. He submitted an application in the prescribed form on 9.8.1985, the column 11 of the said application form reads as under:-

" §11§ अ- क्या आप पर कोई अभियोग चलाया/ह<sup>गया</sup> नजरबन्द रहे गये हैं, या कोई बन्धनामा §बाण्ड§ भरवाया गया है। अथवा दण्ड दिया गया या आपको किसी न्यायलय द्वारा किसी अपराध का दोषी ठहराया गया है। या किसी लोक सेवा आयोग द्वारा अपनी किसी परीक्षा में §चयन§ भाग लेने से वंचित कर दिया है या उसके लिए अयोग्य ठहराया गया है ----- नहीं  
§ब§- क्या इस प्रार्थना पत्र को भरते समय आपके विरुद्ध कोई मामला किसी न्यायलय में चल रहा है ----- नहीं

यदि उत्तर हाँ में हो तो अभियोग, नजरबन्दी, गिरफ्तारी, अथवा दण्ड, दोष, सिद्ध, दण्ड आदि का विवरण लिखना चाहिये। "

He appeared for the test and was selected for the post with Roll No.2255/UP. After completing the usual formalities like medical examination, he was given an attestation form to fill up. He filled up and



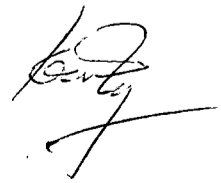
submitted the same. Column 12 of that Form reads as under:-

" 12 क॥ - "क्या आप पर कभी कोई अभियोग चलाया गया है, नजरबन्द रहे गए हैं, या कोई बन्दनामा बाण्डू भरवाया गया है, अर्थ दण्ड दिया गया है, आपको किसी न्यायलय द्वारा किसी अपराध द्वारा किसी अपराध का दोषी ठहराया गया है, या किसी लोक सेवा आयोग द्वारा अपनी किसी परीक्षा चयन में भाग लेने से वंचित कर दिया गया था या उसके लिए आयोज्य ठहराया गया है।  
ख॥ - क्या इस सत्यापन फार्म के भरते समय आपके विरुद्ध कोई मामला किसी न्यायलय में चल रहा है। ----- नहीं। "

Against the aforesaid two columns, the applicant replied "नहीं"  
As in the case of all the candidates the Attestation Form of this applicant was sent to the Superintendent of Police/Etawah(U.P.) for verification of character and antecedents. The Superintendent of Police reported that the applicant was involved in case No.44 under Section 323/324/325/504/506 IPC in the Police Station of Basvehar Distt. Etawah (U.P.). He was prosecuted for these offences before the Court of Munsif Magistrate, Ist Class, Court No. 9, Etawah. That case was disposed off vide judgement dated 28.4.84, the English translation of the operative portion of which reads as under:-

" Accused persons Mukat Singh, Man Singh, Surender Singh, Kambod Singh have been acquitted under Section 323, 324 and 325 of the IPC on the basis of compromise between them and the complainant and also under Section 506 of the IPC in which the offence has not been proved against them....."

2. In view of the fact that the applicant had suppressed that he was involved in some offences and was prosecuted for the same before a Criminal Court, his candidature for the post of Constable in Delhi Police was cancelled and communicated to him through Memo No.7519 R.CELL III BN.DAP dated 12.9.1986. It is this order which is questioned in this application, filed under Section 19 of the Administrative Tribunals Act, 1985.



6

3. The facts stated above are not in dispute. Column 11 of the Application Form and Column 12 of the Attestation Form require the applicant to state whether he was involved or arrested in any case and whether he was fined or found guilty by the Court. The Attestation Form further warns the applicants against giving false statement as under:-

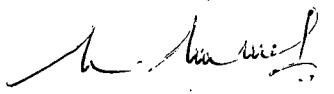
" इस प्रपत्र में किसी प्रकार की झूठी सूचना देना या किसी प्रकार की सत्य सूचना को दबाना एक अयोग्यता समझी जायेगी। जो उम्मीदवार को नौकरी के लिए अयोग्य बना सकती है।"

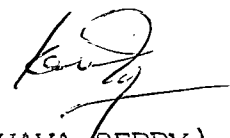
4. When it is admitted that the applicant was involved in a crime punishable under Sections 323, 324, 325, 504 and 506 of the IPC and that not only FIR was issued but he was even prosecuted before the Criminal Court, merely because he was acquitted because of the compromise between the parties in respect of some offences and because it was not proved so far as the offences punishable under Section 506 was concerned, he was not absolved from stating that he was involved in cases punishable for these offences. All the candidates for the post were warned that suppression of such facts would render their candidature liable for cancellation. The action of the Respondents in cancelling his candidature cannot, therefore, be assailed.

5. Shri S.N.Bhardwaj, learned counsel for the applicant, states that a serious view need not be taken of the suppression of the facts because he was actually acquitted later. But that is wholly an unconvincing argument because all candidates are required to state the facts correctly and not to suppress them. The consequence of the suppression of facts has been expressly stated in the

Application Form and Attestation Form itself. The applicant cannot make any excuse on the ground that he was subsequently acquitted.

6. The Respondents have made certain averments in answer to the applicant's averment which are not strictly relevant to the question of cancellation of candidature. The Respondents have only controverted some of the facts which the applicant has asserted. It is unnecessary for us for the purpose of this application to go into the truth or otherwise of these averments for judging the correctness of the impugned order. This application has no merit and is accordingly dismissed.

  
( KAUSHAL KUMAR )  
MEMBER  
22.1.1987

  
( K. MADHAVA REDDY )  
CHAIRMAN  
22.1.1987.