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13

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No. 1221 of 1991

Date of Decision 31.5.93.

Narender Kumar.....Petitioner.

Versus

Union of India.....Respondents.

COARM

Hon'ble Mr.Justice S.K.Dhaon, Vice Chairman.

Hon'ble Mr.S.R.Adige, Member (A)

For the applicants:

Shri JP Verghese, Counsel.

JUDGEMENT(ORAL)

(By Hon'ble Mr.Justice S.K.Dhaon, Vice Chairman)

By separate but similar orders dt. 19.4.83 and 21.4.88 respectively, the services of the petitioner numbers 1 & 2 were terminated in exercise of power vested in the proviso to Sub-Rule(1) of Rule of the CCS (Temporary Service) Rules 1965. These orders are being impugned in the present application.

A counter-affidavit has been filed. In it, the material arguments, are these. The petitioners were selected for employment as Constables in Delhi Police in the special recruitment held at Rampur and Saharanpur (UP) on 15.8.87 and 1.8.87 respectively. On Scrutiny of Employment Exchange cards of all the candidates, it was found that a number of them have erased/tempered with the date of registration. Accordingly, the Employment Registration cards of all the candidates/recruits were sent to the respective Employment Officers for verification. On receipt of the reports from the concerned Employment Exchange, it was found that a number of recruits have managed to

84

get appointment by submitting false registration cards. It was proved that the petitioners had managed to seek appointment in Delhi Police as Constables by furnishing false and fake bogus registration cards. Their services were, therefore, terminated by the impugned orders.

A large number of Constables were appointed with Delhi Police under the special recruitment held at different places outside Delhi. They too had submitted employment cards in their cases. After verification it was discovered that they had submitted forged cards. Accordingly their services were terminated in exercise of the power conferred under Sub-Rule 5 of the Delhi Police Rules.

On 26.4.91 a somewhat similar controversy arose in similar OA No. 2113/88 which was disposed of finally on 26.4.91. The other case came to this Tribunal (OA No. 2838/91) which too was disposed of on 12.5.93. In both the cases the Tribunal held that the circumstances of the case disclosed that an order of termination simpliciter could not be passed.

Following the orders passed in the aforesaid OAs the impugned orders are quashed. The applicants shall be deemed to be appointed in service ^{despite of the} ~~from the date of~~ ^{despite of the} ~~date of~~ ^{impugned} passing of the orders.

There shall be no order as to costs.

(S.R.ADIGE)
MEMBER (A)

(S.K.DHAON)
VICE CHAIRMAN (J)

I agree. However, it is made clear that it will be open to the respondents to take action against the applicants in accordance with law.

S.R.Adige
(S.R.ADIGE)
MEMBER (A)