

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 1756/91

New Delhi this the 6th day of Sep, 95.

HON'BLE SHRI N.V. KRISHNAN, VICE CHAIRMAN(A).

HON'BLE DR. A. VEDAVALLI, MEMBER(J).

Shri Sushil Kumar,
No. 65790,
S/o Shri Hari Singh,
R/o K.125, JJ Colony,
Wazirpur,
Delhi-52.

...Applicant.

By Advocate Shri J.P. Verghese (though none appeared).

Versus

1. Delhi Administration,
through its Chief Secretary,
Old Secretariat,
Delhi.

2. The Commissioner of Police,
Police Headquarters,
IP Estate,
New Delhi-2.

...Respondents.

By Advocate Shri Amresh Mathur.

ORDER (ORAL)

Hon'ble Shri N.V. Krishnan, Vice Chairman(A).

The applicant was a candidate for recruitment as a Constable in the Delhi Police. He was duly cleared in the process of selection because he was required to appear for a medical examination by the Annexure-II Memo dated 29.8.1990. He was also asked to execute an agreement which has been done (Annexure-IV). A further communication dated 26.10.1990 was given to him asking him to appear for physical measurement. He was informed that his appointment as Constable would be subject to passing this test and on receiving Police Verification Report and Medical Report. He was, however, informed by the impugned Annexure-I order dated 18.12.1990 of the Deputy

12

Commissioner of Police, III, DAP as follows:

"Memo:

Reference your application dated 13.11.90 on the subject cited above.

You are involved in three criminal cases, FIR No. 256/85, 423/86 and 100/87 u/s 304 IPC, P.S. Sarai Rohilla, u/s 324/34 IPC P.S. Ashok Vihar and u/s 324 IPC P.S. Ashok Vihar and u/s 324 IPC P.S. Ashok Vihar, you are acquitted in 2 cases on grounds of compromise and case of 304 IPC was discharged. As such you are not fit for the recruitment as constable in Delhi Police.

Therefore, your candidature for the post of Constable in Delhi Police is hereby cancelled. Your all original documents are returned herewith".

An appeal against this order has been rejected by the second respondent's office on 11.4.1991 (Annexure-II).

2. Hence, this O.A. has been filed by the applicant for a direction to set aside these two orders. The main ground raised by him is that his candidature cannot be cancelled in the above circumstances when he has been discharged in the criminal case u/s 304 IPC and has been acquitted on the basis of a compromise in the other two cases u/s 324 IPC.

3. The respondents have filed a reply. It is stated that the applicant's candidature was liable for cancellation in view of the above circumstances relating to the verification of his antecedents.

4. Though the registered notice was sent to the applicant on 11.7.1995, the AD has not been received back. Hence, the service is presumed.

5. We have heard the learned counsel for the respondents. He has submitted that apart from the reasons mentioned in the Annexure-I memo, there are no other grounds for cancelling the applicant's candidature. However, as he appears to have been involved in criminal cases as would be evident from that annexure, it was decided to cancel his candidature.

6. The respondents have not produced any standing instructions which authorised them to cancel the candidature of the applicant.


7. No doubt, an FIR alleging a serious offence u/s 304 IPC was registered, but in that case the applicant was, admittedly, discharged. The learned counsel further states that no further action was taken against the applicant in respect of that FIR subsequent to his discharge.

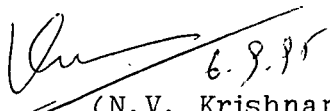
8. The two other FIRs were filed relating to offences u/s 324/34 IPC and 324 IPC respectively. These cases were compounded and on that basis the applicant was discharged.

9. We are of the view that these cases do not show that the applicant has such an adverse antecedent as to disentitle him for Government employment. The process of verification of character antecedents is resorted to ^{in order to} weed out candidates who really have bad records either on account of the background of criminal cases or on other similar grounds. In the present case, we do not find that any stigma can be attached to the applicant on the basis of the above circumstances.

10. In the circumstance, the impugned orders are unwarranted and accordingly they are quashed. The respondents are now directed to reconsider the case of the applicant and if the applicant has been found fit on medical examination and physical fitness, the respondents are directed to offer him employment as a Constable. This shall be done within a period of two months from the date of receipt of this order.

11. The O.A. is disposed of accordingly. No costs.


(Dr. A. Vedavalli)
Member(J)

 6.9.95
(N.V. Krishnan)
Vice Chairman(A)