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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

OA No.1488/92

Date of decision:- December 11, 1992

Sh.Yuv Raj Singh ...

Applicant

versus

Commissioner of Police,  
Delhi & anr. ....

Respondents

CORAM: THE HON'BLE Sh.P.C.JAIN, MEMBER(A)  
THE HON'BLE SH.J.P.SHARMA, MEMBER(J)

For the Applicant ...

Mrs.Avnish Ahlawat,  
counsel.

For the Respondents ...

Sh.O.N.Trishal, counsel.

JUDGEMENT

(Delivered by Hon'ble Sh.P.C.Jain, Member(A))

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant is aggrieved by the order dated 12.11.91 (Annexure C) by which his candidature for recruitment to the post of Constable in Delhi Police was cancelled, and the communication dated 26.5.92 (Annexure G) by which his representation dated 18.11.91 for consideration was rejected on administrative grounds. He has prayed for quashing the aforesaid two orders and for a direction to the respondents to issue him an appointment letter and for granting all other consequential benefits including maintenance of his seniority in the list..

2. The respondents have contested the OA by filing their reply to which the applicant chose not to file any rejoinder. By an order passed on 9.6.92, as an interim measure, the respondents were directed to allow the applicant

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to join the training course "with the current batch of recruits.". This was to be subject to the outcome of the OA. This interim order has continued since then and we are informed that the applicant has completed his training.

3. As the pleadings in this case were complete, it was decided with the consent of the parties to finally dispose this OA at the admission stage itself. Accordingly, we have perused the material on record and also heard the learned counsel for the parties.

4. The admitted facts are that with a view to fill up 1500 vacancies of Constables in Delhi Police, names were called for from the Employment Exchange and the individuals were asked to fill up the forms. Pursuant to following the prescribed procedure, the applicant was selected for appointment to the post of Constable in Delhi Police and he was informed of the same by letter dated 13.8.90(Annexure A) by which he was also asked to report for filling up attestation/verification form/Medical form on 17.8.90. He filled up the attestation form and was also declared fit by the Medical Board. The Police verification and CID report receipt were also favourable to the applicant. The applicant along with other selected condidates was called for remeasurement and this was also found correct and when he went to Camp Office to join training he was not allowed to join the training on the ground that the respondents

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had received a complaint that he was involved in a criminal case which was being enquired into. This all happened upto August, 1991. However, on 18.6.91 a complaint regarding applicant's involvement in criminal case FIR No.121/91 u/s 307 IPC dated 30.5.91, P.S. Siana, Distt. Bulandshahar is stated to have been received and on verification from the concerned Senior Superintendent of Police, Distt. Bulandshahar, U.P., the applicant was reported to have been involved in the above-mentioned criminal case. He surrendered himself in the court of ACJM- VII Bulandshahar on 5.6.91 and was released on bail on 26.6.91. The case of the respondents, therefore, is that the applicant being accused in the abovementioned case of attempt to murder, he was, not allowed to join Delhi Police and his candidature was accordingly cancelled.

5. On subsequent verification, the complainant in the criminal case gave a letter of 19.9.91 that the applicant was named in the FIR on basis of 'partivandi' and on investigation of the aforesaid criminal case, for want of adequate evidence, final report No.50 dated 8.8.91 was submitted to the court which was accepted on 16.9.91. The report of the Police Station (Annexure F) also states that on the basis of the above documents and on written reports of the villagers, the character of the applicant was found to be correct and proper and that accordingly, there is no case against the

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applicant. Nor any such case is for consideration in the Police record. The District Magistrate Bulandshahar in his letter dated 18.2.92 addressed to the Senior Supdt.of Police, Bulandshahar (Annexure E) also stated that in view of the acceptance of the final report by the court, no charge has been established against the applicant and, therefore, there is nothing against the applicant for his appointment in Government service. The Senior Supdt.of Police in his letter dated 18.2.92(Annexure D) accordingly informed the Deputy Commissioner of Police, IIIrd Bn.DAP, Delhi.

6. From these reports from the Police authorities of District Bulandshahar and District Magistrate, Bulandshahar as also the letter of the complainant in the criminal case, it cannot be said that any criminal case against the applicant is pending trial or under investigation. Further, the District authorities certified that there is nothing against the applicant to disentitle him for appointment in Government service.

7. The case of the respondents is that the applicant failed to disclose his involvement in the aforesaid criminal case in violation of the instructions contained in column 2 of the attestation/Police verification form, according to which after submitting the said form if a case is registered against a candidate, he should inform the department immediately but the applicant failed to inform the Deputy Commissioner of Police, IIIrd Bn.DAP regarding his involvement in a criminal case registered against him and

thus he concealed the material facts. It is on this ground that the applicant has been considered to be unsuitable for appointment in Delhi Police.

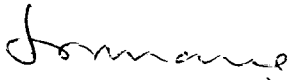
8. We have carefully considered the rival contentions of the parties. It is not the case of the respondents that at the time, the applicant had filled in the attestation form for verification of his character and antecedents, the aforesaid criminal case had been registered against the applicant and that he did not disclose the same. In fact, the applicant has averred in the OA that when the papers were sent for Police verification and C.I.D., reports were also received in the affirmative. The respondents in their reply have also stated that the local police report received in this office on 5.11.90 was affirmative. Thus the only allegation against the applicant can be that before his appointment, he did not disclose his being an accused in the criminal case after the initial verification of his character and antecedents. On this count alone, there may not be enough justification for denying to the applicant appointment in Delhi Police after his due selection, particularly when he has been totally cleared of his involvement in the aforesaid criminal case by the District authorities concerned and the court. On the facts and in the circumstances of the case, we are of the considered view that the applicant should be offered appointment to the post of Constable in Delhi Police for

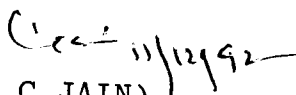
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which he was duly selected and all formalities completed to the satisfaction of the appointing authority. However, in view of the lapse on the part of the applicant in not reporting his subsequent involvement in the criminal case, we do not consider it justified to grant him any retrospective benefit either in the matter of appointment or in the matter of seniority.

9. In the light of the foregoing discussion, this OA is partly allowed with the direction that the applicant shall be offered appointment to the post of Constable in Delhi Police in pursuance of his selection to that post and that his seniority shall count, in accordance with the relevant rules, with the other trainees with whom he underwent the prescribed training in pursuance of the interim order dated 29.6.92.

No costs.

  
(J.P.SHARMA)  
MEMBER(J)

  
(P.C.JAIN)  
MEMBER(A)