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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1809/92New Delhi: this the 5th

December, 1997.

HON'BLE M.R.S.R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN MEMBER (J)

Parveen Kumar,
 S/o Shri Chanderpal Singh,
 R/o LIG Flat, East of Loni Road,
 Shahdara
 (By Advocate: Shri A.K.Bhardwaj) Applicant.
Versus

1. Delhi Administration,
 through the Chief Administrator,
 Old Secretariate, No.5,
 Alipur Road,
 New Delhi.
2. The Deputy Commissioner of Police,
 III Battalion,
 Delhi Armed Police ,
 Delhi.
3. The Assistant Commissioner of Police,
 Police Head Quarter,
 III Battalion,
 DAP,
 Delhi. Respondents.

(By Advocate: Shri Anoop Bagai)

JUDGMENTHON'BLE M.R.S.R. ADIGE VICE CHAIRMAN (A)

Applicant impugns respondents' order dated 16.3.91 rejecting his candidature for appointment as a Constable Delhi Police.

2. Applicant applied for recruitment as Constable in Delhi Police on 22.12.89. He appeared in the recruitment test. He cleared the physical endurance test, written test and interview and was provisionally selected subject to police verification of character and antecedents. Meanwhile applicant's name figured in a case No.9/90 registered on 5.2.90 under secs. 395, 397 IPC in PS Zevar, Distt.

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Bulandshahr (UP). Applicant failed to mention this fact in the attestation form filled in by him on 23.8.90 and respondents by impugned order dated 16.3.91 accordingly rejected his candidature for appointment as Constable. Later, by Addl. Munsif-Magistrate's order dated 23.4.91 (Annexure- A2) he was exonerated during T.I.parade.

3. Applicant's counsel Shri Bhardwaj has asserted that no criminal case was pending against the applicant and hence the allegation against him that he had concealed the fact of pendency of a criminal case, was unfounded, baseless and illegal because on his exoneration in the T.I. parade, the question of pendency of a criminal trial against the applicant did not arise. He asserted further that even if a criminal case was pending against him that by itself would not render the applicant ineligible for appointment. Reliance was placed on the Hon'ble ^{C.A.T. P.B.} ~~Supreme Court~~ ruling in G.Bhardwaj Vs. UOI & Ors. 1989 (4) CAT 945.

4. Placed in the applicant's personal file, which was shown to us by respondents, is the police verification report which states that applicant ~~was~~ figured in the TI Parade in Case FIR No.9/90 under secs. 395, 397 IPC in P.S. Zevar Distt. Bulandshahr(UP). His character and antecedents are described as suspicious.

5. In Delhi Administration Vs. Sushil Kumar C.A.No.13231/96, the Hon'ble Supreme Court in its order of October ,1996 while setting aside the Tribunal's order has held as follows:

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"It is seen that verification of the character and antecedents is one of the important criteria to test whether the selected candidate is suitable to a post under the State. Though he was physically found fit, passed the written test and interview and was provisionally selected, on account of his antecedent record, the appointing authority found it not desirable to appoint a person of such record as a Constable to the disciplined force. The view taken by the appointing authority in the background of the case cannot be said to be unwarranted. The Tribunal, therefore, was wholly unjustified in giving the direction for reconsideration of his case. Though he was discharged or acquitted of the criminal offences, the same has nothing to do with the question. What would be relevant is the conduct or character of the candidate to be appointed to a service and not the actual result thereof. If the actual result happened to be in a particular way, the law will take care of the consequences. The consideration relevant to the case is of the antecedents of the candidate. Appointing Authority, therefore, has rightly focussed this aspect and found him not desirable to appoint him to the service.

The appeal is accordingly allowed. The order of the Tribunal stands set aside. No costs."

6. In the light of the aforesaid ruling, which is fully applicable to the facts of the present case, we find ourselves unable to intervene in this matter. The OA is dismissed. No costs.

Lakshmi Swaminathan

(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

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(S. R. ADIGE)
VICE CHAIRMAN(A).