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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

D.A. No. 1651 of 1993

3rd day of December, 1993

Hon'ble Mr. J.P. Sharma, Member (J)

Hon'ble Mr. B.K. Singh, Member (A)

Bijender Kumar,
C/o, Shri M.R. Bhardwaj,
243, Lawyers' Chambers
Delhi High Court,
New Delhi.

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Petitioner

By Advocate: Ms. Sumedha Sharma, proxy for
Ms. Avnish Ahlawat, Counsel

VERSUS

1. The Commissioner of Police
Delhi Police,
Police Headquarters,
M.S.O. Building,
I.P. Estate, New Delhi.
2. The Deputy Commissioner of Police
III Battalion, Delhi Armed Police,
New Police Lines, Delhi.
3. The Deputy Commissioner of Police (HQ-I)
M.S.O. Building,
IP Estate, New Delhi.

Respondents.

By Advocate: Shri Amresh Mathur.

ORDER (ORAL)

(By Mr. J.P. Sharma, Member (J))

The grievance of the applicant is that his candidature for appearing in the recruitment to the post of Constable which was held on 9.11.91 was cancelled by the impugned order dated 4.2.93. His representation against the same was also cancelled

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vide order dated 16.6.93. The applicant has prayed for quashing of both these orders directing the respondents to issue appointment letter to the applicant.

2. A notice was issued to the respondents who contested this application and in the reply filed stated that the applicant did come out successful with Roll No. 34488 in the recruitment held in 1991-92 for the post of Constable but his appointment was subject to verification of character and antecedents from the local police. Since the applicant was involved in a criminal case at P.S. Sample, District Rohtak (Haryana) under Section 324/34 fact of IPC and this was concealed by the applicant at the time of filling up the proforma needed for verification of antecedents and character, so the appointment to the applicant had been refused. This concealment of facts in the police verification form about his involvement in a criminal case did not warrant the engagement of the applicant in the disciplined police force.

3. We have heard the proxy counsel, Ms. Sumedha Sharma for the applicant and Shri Amresh Mathur counsel for the respondents. The aforesaid case as admitted by the respondents in their reply has been acquitted by the Rohtak Criminal Court presided over by Shri C.N. Jindal JM First Class on 1.12.92. Thus no stigma is attached

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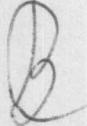
to the character of the applicant so as to disentitle him from a government service. Merely because a prosecution has been initiated against the applicant on the basis of a report will not by itself render the applicant of such a shady character as to disqualify him from entering in government service. After acquittal in a criminal case the person regains his lost reputation and he can no more be labelled as a person of shady character.

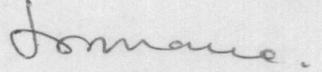
4. The police verification, which is undertaken ~~for~~ before enrolment to government service, is to judge the character of the said candidate whether he has a good moral character or not. In this case we do not find that the petitioner lacks that character. The other point which prevailed with the respondents in refusing appointment is concealment of this fact in the police verification form. This by itself cannot disentitle a person otherwise also taking into account the human nature. In any case since the applicant has been acquitted there remain nothing against him so as to disentitle him from government service. The judgment of Judicial Magistrate filed by the applicant shows that that there was no evidence against the applicant regarding the allegations made in the FIR. Moreover, the offence under Section 324/34 of IPC cannot be said to be an offence.

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5. In view of the above facts and circumstances, the application is allowed and the impugned orders dated 4.2.93 and 16.6.93 are quashed and the respondents are directed to issue appointment letter to the petitioner. The appointment letter should be issued to the applicant according to the existing rules and if otherwise he is found fit ~~exceeding~~ based on the pre-appointment examination, medical and physical fitness etc. the orders should be complied/within with three months from the date of receipt of this order.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)

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