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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1685/93

New Delhi this the 3rd day of August, 1994

CORAM :

THE HON'BLE MR. JUSTICE S. K. DHAON, CHAIRMAN
THE HON'BLE MR. B. N. DHUNDIYAL, MEMBER (A)

Kavi Pal S/O Shri Ram Swaroop,
R/O Village Amirpur Gadi,
P.O. Didar, Distt. Ghaziabad.

... Applicant

By Advocate Shri S. P. Sinha

Versus

1. Union of India through
Lt. Governor, National
Capital Territory,
Raj Bhawan, Raj Niwas Marg,
Rajpur Road, Delhi.

2. Commissioner of Police,
M.S.O. Building, I.P. Estate,
Police, Hqrs., New Delhi-2.

3. Dy. Commissioner of Police,
Police Hqrs., MSO Building,
I.P. Estate, New Delhi.

4. Dy. Commissioner of Police, III Bn.
DAP, New Police Lines,
Kingsway Camp, Delhi-9.

... Respondents

By Advocate Shri Jog Singh

O R D E R (ORAL)

Mr. Justice S. K. Dhaon -

The order dated 18.12.1992 is, in substance,
being impugned in this application. The material
facts are these.

In response to an advertisement issued by the
Commissioner of Police, Delhi, the applicant submitted
an application for being considered for recruitment
to the post of Constable in the Delhi Police. A
written examination was held. He was called upon to
re-appear in the recruitment. He was selected for

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the post of Constable and was asked to report before the Deputy Commissioner of Police on 7.10.1992 with eight photographs and other requisite certificates. On the said date, he furnished the requisite certificates. Thereafter, he received the impugned order.

2. In the counter affidavit filed on behalf of the respondents, the material averments are these.

The applicant was provisionally selected to be appointed as Constable in the Delhi Police subject to verification of his character and antecedents from local police. Before he could be issued a letter of formal appointment, a complaint was received against the applicant and that complaint was referred to the Superintendent of Police of the District concerned, who sent a report adverse to the applicant. Learned counsel for the respondents vehemently urged that there was material on record before the authority passing the impugned order to show that the applicant had complicity with criminals and, therefore, it was considered desirable not to give him appointment in the Delhi Police.

3. We may now read the impugned order. It will be profitable to extract the same :

"The character verification report received from the local police, reveals that you were involved in case FIR No.28/89 u/s 147/302/307 IPC P.S. Niwadi and under investigation. You concealed these facts in your application form and attestation form, hence your candidature for the post of Constable in Delhi Police is hereby cancelled."

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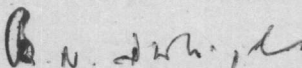
It will be immediately seen that the only reason given for cancelling the candidature of the applicant is FIR No. 28/89 under various sections of IPC which was under investigation. The applicant has asserted and this fact has not been denied that he had no knowledge of the said FIR. On the basis of the said FIR he was neither arrested nor was any criminal prosecution initiated against him in a court of law. It is also averred that no opportunity was afforded to the applicant before passing the impugned order.


4. Since the impugned order is a speaking one and it contains reasons, we will not be justified in sustaining the same on the basis of the material on record. It is a well settled law that an order passed by a public authority must be read objectively and interpreted on the basis of the contents thereof and cannot be supplemented by evidence aliunde.

5. The applicant had surely a legitimate expectation of being given a regular appointment after the enquiry of his character antecedents. Therefore, he was entitled to some opportunity before the impugned order was passed.

6. This application succeeds and is allowed. Impugned order dated 18.12.1992 is quashed. It will be open to the respondents to pass a fresh order after giving an opportunity of hearing to the applicant. The hearing need not be personal.

7. There shall be no orders as to costs.


(B. N. Dhoundiyal)
Member (A)


(S. K. Dhaon)
Chairman