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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 24.11.2000

OA No.525/2000

Bhajnee Ram Meena S/o Shri Ram Kanan Meena r/o Village Moti Ka Nagla, Post- Doroli, Tasil Laxmengarh, Distt. Alwar.

.. Applicant

Versus

1. The Chairman, Railway Recruitment Board, Ajmer.
2. Divisional Railway Manager, Western Railway, Ajmer.

.. Respondents

Mr. S.P.Sherma, counsel for the applicant

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CORAM:

Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

Hon'ble Mr. N.P.Hawani, Administrative Member

Order

Per Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

This application is filed being aggrieved by the non-appointment of the applicant as Diesel Assistant on the alleged ground of suppression of pendency of a criminal case earlier in the offence under Section 323, 326, 451 of the Indian Penal Code in case No. 140/92. The applicant contended that it is not the case of suppression since that case was compromised vide ordersheet dated 16.10.1992 before the application was filed. Therefore, that case was not relevant, as stated, since no case was pending as on the date of filing of the application. He also stated that the criminal case did not involve any offence of moral turpitude, therefore, the alleged suppression would not be material. The learned counsel contended that it is a fit case for issuing necessary directions to the respondents to give appointment to the applicant.

2. The applicant has not produced any material to show on what ground he has been refused appointment. However, it is a specific

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case that appointment was refused to him only on the ground of suppressing the criminal case that was pending against him. From para No. 12 of the application form, we find that there were questions for which the applicant was required to say 'Yes' or 'No'. Number 1 'Have you ever been arrested (Yes/No)'. Number 2 'Have you ever been prosecuted (Yes/No)'. From these two questions it is clear that the applicant was required to furnish information whether he was arrested on any point of time or whether he was prosecuted on any point of time. For these two questions, the applicant said 'No'. From this it follows that the applicant should have stated that he was prosecuted in case No. 140/92 for offences under Section 323, 326 and 451 of the Indian Penal Code and accordingly the matter ended in a compromise vide ordersheet dated 16.10.1992. This he has not done. These questions intended an information regarding antecedents of the applicant and the applicant was required to disclose the same. Moreover, even in the ~~the~~ warning portion in the application, it is stated that furnishing of false information could deter the applicant from the employment and if employed his services could be liable to be terminated. In spite of such warning the applicant should not have taken risk of suppressing the said information. However, the learned counsel for the applicant submitted that the said information was not relevant as on the date of the application. But in our opinion that was for the authorities to decide but not for the applicant. Consequently the learned counsel for the applicant contended that the criminal case did not involve any moral turpitude and was not a offence. Even in this contention there is no substance in view of judgment of the Full Bench of Hon'ble the High Court of Rajasthan in the case of Dharam Pal Singh v. The State of Rajasthan and others, 2000 (3) ATJ 569. The Hon'ble High Court pointed out that any fact could be material when such a specific information was elicited from the applicant for the purpose of appointment. Whether

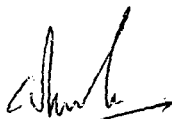
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pendency of an earlier case involve moral turpitude would not be relevant, what is relevant for the purpose of information required in the application was whether he was earlier arrested or prosecuted in any case. From the facts of the case, it is clear that the judgment of the Full Bench of the Hon'ble High Court of Rajasthan is fully applicable and accordingly the application has no merits. Accordingly we pass the order as under:-

Application is dismissed at the stage of admission.

  
(N.P. NAWANI)

Adm. Member

  
(P.S. RAIKOTE)

Vice Chairman