

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

....

Original Application No. 4 98/2002

Jabalpur, this the 24<sup>th</sup> day of June, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Member(Judicial)

Hemant Kumar Bavaria,  
Aged about 26 years,  
S/o Shri Shyam Sunder Bavaria,  
R/o 998/21, Cantt., Sadar,  
Jabalpur (Madhya Pradesh)

...Applicant

(By Advocate: None)

-versus-

1. Union of India through  
Secretary,  
Ministry of Defence,  
Mantralaya,  
New Delhi.

2. The Commanding Officer,  
The Grenadiers, Records Post Bag No.17,  
Jabalpur (Madhya Pradesh).

...Respondents

(By Advocate: Shri K.N. Pethia)

O R D E R

By Madan Mohan, Member (Judicial) -

By filing this original application, the applicant has sought the following main reliefs:-

- 1) To order the respondents to permit the applicant to join on the said post of Lower Division Clerk (LDC) in their office.
- ii) To order the respondents to give all ancillary service benefits to the applicant from the date on which he was called to join on the said post.

2. The brief facts of the case are that vide advertisement published in local daily newspaper, namely, Nav Bharat dated 11.8.2001, the respondents invited applications for appointment to the post of Lower Division Clerk. In response to the said advertisement, the applicant submitted his application in the required format to the respondents. He was given the index no. 1631. He appeared in the written examination and was declared successful vide results published by the respondents in Nav Bharat

(Signature)

newspaper on 23.9.2001. Thereafter the applicant was called for an interview by the respondents and in the said interview also the applicant was declared successful. His certificates and other testimonials were verified and found to be correct. The respondents thereafter called the applicant to join in their office on the said post of Lower Division Clerk. When the applicant went to the respondent's office to join the post for which he was selected, he was not permitted to join by the respondents. The respondents did not offer any reason for not permitting the applicant to join his duties for a quite long time. Therefore, the applicant served a representation dated 23.5.2002 to the respondents but the respondents vide their reply dated 29.5.2002 (A/4) gave a vague reply stating that the applicant lacks qualitative requirement. Hence, this original application has been filed by the applicant seeking the aforesaid reliefs.

3. Heard the learned counsel for the respondents. Since none is present on behalf of the applicant and this matter is an old one pertaining to the year 2002, we proceed to dispose of the same by invoking the provisions of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

4. The learned counsel for the respondents argued that the applicant had furnished false information and rather suppressed the material information while filling up the Attestation Form, and as per the information furnished by the applicant in the Attestation Form can render the candidature of the applicant unfit for employment. In addition to his previous conviction, the applicant by concealing this fact in the Attestation Form has shown that the applicant is a habitual offender and may not hesitate in doing so in future wherever he may have any beneficial opportunity. He further argued that the attestation form must be completed by the candidate himself and signed by him as correct. But the applicant intentionally suppressed and concealed the fact he had been convicted for offence under Section 160 IPC and he was find a sum of Rs. 75/- in the past which he had wilfully concealed in order to keep the competent authority in dark. The

said fact has also been brought to the notice of the respondents by the police authorities after character verification of the applicant. The learned counsel for the respondents had drawn our attention towards the attestation form in which para 12(1)(e) the applicant has clearly mentioned that he has never been find by any court of law while in fact the applicant was fined a sum of Rs. 75/- in a criminal case registered under Section 160 IPC. The respondents' counsel has also drawn our attention towards the report submitted by the police authorities in which the said fact is also confirmed by them. Hence, the applicant is not entitled to be appointed as Lower Division Clerk in the office of the respondents.

5. After hearing the learned counsel for the respondents and perusing the pleadings available on record, we find that in the very beginning of the attestation form there are certain warnings, which read as under:-

- "i) The furnishing of false information or suppression of any factual information in the Attestation form could be disqualification and is likely to render the candidate unfit for employment under the Govt.
- ii) If detained, arrested, prosecuted bound down, fined, convicted, debarred acquitted etc., subsequent to the completion and submission of this form, the detail should be communicated to the authorities to whom the attestation form has been sent earlier as the case may be failing which it will be deemed to be a suppression of factual information.
- iii) If the fact that false information has been furnished or that there has been suppression of factual information in the attestation form comes to notice at any time during the service of the person his service would be liable to be terminated."

In the said attestation form the applicant in para no. 12(1)(e) has suppressed the material fact he had been fined a sum of Rs. 75/- in a criminal case under section 160 IPC. We have also perused the order dated 11.8.1997 in criminal case No. 708/97 passed by Shri P.C.Gupta, Judicial Magistrate, 1st Class, Jabalpur in which it is clear that the applicant was fined a sum of Rs. 75/- and the said amount was deposited by him on the same date. Moreover, this fact was also confirmed by the police authorities while submitting their verification report in respect



of the applicant. It is further seen that the applicant has submitted his duly filled in attestation form on 5.10.2001 whereas he was fined in a criminal case on 11.8.1997. Therefore, the applicant was aware of the said fact and has wilfully and intentionally suppressed from the notice of the respondents while it was the duty of the applicant to mention the said fact while submitting the attestation form before the respondents. Hence, the said suppression of the factual information and giving false information renders him unfit for employment in the Government. Hence, the respondents have not committed any irregularity and illegality in not permitting him to join the post of Lower Division Clerk for which he was appointed because of the fact that a candidate is offered the appointment after establishment of identity of the candidate and receipt of satisfactory report on medical examination, character and antecedents verification and caste verification. Since the character and antecedents verification of the applicant is not satisfactory for appointment on the post of Lower Division Clerk in Defence Department as is required for appointment, the applicant is not entitled to the relief prayed for.

6. In the facts and circumstances of the case and in the light of observations made above, we are of the considered view that the selection of the applicant in the merit list does not entitle him to be appointed as Lower Division Clerk as he has failed to meet other qualitative requirement i.e. identity of the candidate, and satisfactory report on character and antecedents verification. Hence, the application is bereft of merit and deserves to be dismissed. The O.A. is accordingly dismissed without any order as to costs.

  
(Madan Mohan)  
Member (Judicial)

  
(M.P. Singh)  
Vice Chairman

/na/