

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 419/2011

DATE OF ORDER: 22.04.2015

CORAM

HON'BLE MR. JUSTICE HARUN-UL-RASHID, JUDICIAL MEMBER
HON'BLE MR. R. RAMANUJAM, ADMINISTRATIVE MEMBER

Kailash Meena S/o Shri Inder Meena, aged about 38 years,
by caste Meena R/o Baglai, Tehsil Gangapurcity, District
Sawai Madhopur.

...Applicant

Mr. R.P. Sharma, counsel for applicant.

VERSUS

1. Union of India through Director General Central Public Works Department, Ministry of Urban Development, A-Wing Nirman Bhawan New Delhi 110 011.
2. Executive Engineer, CPWD, Central Electricity Board, Pune Division, Nirman Bhawan, Mukund Nagar, Pune - 411037.

...Respondents

Mr. Mukesh Agarwal, counsel for respondents.

ORDER

(Per Mr. Justice Harun-UI-Rashid, Judicial Member)

The Original Application is filed seeking to quash the termination order dated 25.07.2011 issued by the respondent no. 2 and for a direction to the respondents to reinstate the applicant in service with all consequential service benefits.

2. The applicant was appointed as Khalashi on temporary basis by the Superintending Engineer (Coord.), Mumbai vide Memorandum No. 9 (66)/2005/EC-IV/C/WR/210 dated

28.04.2006. After joining in the Division, the applicant filled attestation form and submitted to the office. The attestation form was sent to the Commissioner of Police, Sawai Madhopur for verification of character and antecedents. As per character verification report received from the District Magistrate Sawai Madhopur dated 27.10.2006, it is reported that a case was pending against the applicant in Judicial Magistrate Court, Gangapur City. It is further reported that chargesheet No. 118 dated 30.09.2003 was pending against the applicant in Judicial Magistrate Court, Gangapur City for commission of offences under Section 147, 149, 323, 341, 342 and 325 of C.P.C. which contradict the information furnished by the applicant in attestation form.

3. The respondents submits that by suppressing relevant information in the attestation form, the applicant had violated the terms and condition No. 24 of temporary appointment letter issued by Superintending Engineer (Coord.) vide No. 9 (66)/2005/ECIV/C/WR/210 dated 28.04.2006. The respondents issued memorandum dated 23.01.2007 and dated 09.02.2007. The reply given by the applicant was not satisfactory. Again an opportunity was afforded to the applicant vide communication dated 29.01.2008. It is said that no response was received from the applicant, therefore, a notice was again issued to the

applicant giving him one month period vide communication dated 17.06.2011. Then again there was no response from the applicant. It is submitted that the applicant had been given sufficient opportunity to represent himself but he failed to give any satisfactory reply. After taking into consideration the facts and circumstances, the Executive Engineer (E), Pune Central Electrical Division, CPWD, Pune passed the order dated 25.07.2011 (Annexure A/1) terminating the temporary service of the applicant from government services w.e.f. 25.07.2011 for violation of condition No. 24 of temporary appointment letter dated 28.04.2006 furnishing false information/suppression of factual information.

4. As per the conditions of temporary appointment letter dated 28.04.2006 (Annexure R/1), the applicant was allowed to join the office of Executive Engineer (E), Pune Central Electrical Division, CPWD, Pune. As per the offer of appointment letter, the applicant was allowed to join the duty after verifying certain mandatory requirements as mentioned in the order in which verification of antecedents by police authorities as per OM dated 25.07.1995 of the DGW, CPWD in due course is one of them. The verification of character and antecedents of the applicant was done through the Commissioner of Police, Sawai Madhopur. The report received from the office of Collector & District

Magistrate, Sawai Madhopur vide letter dated 27.10.2006 (Annexure R/4) states that criminal case No. 185/2003, lodged against the applicant under Section 143, 323, 341, 342, 379 IPC at Police Station and charge sheet bearing No. 118 dated 30.09.2003 was pending against him in the Court of Judicial Magistrate, Gangapur City.

5. We have heard the learned counsels for the parties and examined the pleadings and the documents available on record.

6. The condition no. 24 of the terms and condition of offer of temporary appointment letter dated 28.04.2006 (Annexure R/1) reads as under: -

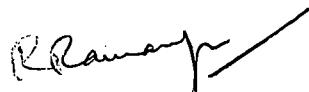
"24. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have willfully suppressed any material information, he will be liable to be removed from service and such other action taken as Government may deem necessary."


The temporary services of the applicant was terminated in violation of said condition no. 24 of the offer of temporary appointment order dated 28.04.2006. It was found that the applicant has furnished false information in attestation form at Sl. No. 12 (i) (h).

7. Learned counsel for the respondents also brought to the notice of the Tribunal the decision of the Hon'ble Supreme Court in the case of **Devendra Kumar vs. State of**

Uttaranchal and Others reported in (2013) 9 SCC 363 wherein the Hon'ble Apex Court has held that suppression of material information itself amounts to moral turpitude and is a separate and distinct matter than what is involved in criminal case. In such a case, service of appointee concerned is liable to be terminated, even if there had been no further trial or person concerned stood acquitted/discharged. The Hon'ble Apex Court also observed that termination of services of appellant on ground of aforesaid suppression of material information by him is justified under the circumstances and held that the termination of services is proper and not liable to be interfered with. The judgment of the Hon'ble Apex Court in the aforesaid case is after considering a similar case of suppression of material information sought by the employer about his criminal antecedents i.e. involvement in criminal case.

8. In the aforesaid facts and circumstances of the case, we are not inclined to extend any relief as sought by the applicant in the Original Application. The Original Application is devoid of any merit and is dismissed accordingly. There shall be no order as to costs.


(R. RAMANUJAM)
ADMINISTRATIVE MEMBER


(JUSTICE HARUN-UL-RASHID)
JUDICIAL MEMBER