

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1660/2003

New Delhi, dated this the 19th day of November, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.A.Singh, Member(A)

Vinay Kumar
D-7/140, Dayalpur
Delhi-110094

.. Applicant

(Shri Manoj Kumar Mishra, Advocate)

versus

The Commissioner of Police
Delhi Head Office, ITO, New Delhi

.. Respondent

(Shri Ajesh Luthra, Advocate)

ORDER(oral)

Justice V.S. Aggarwal

The applicant seeks quashing of order dated 30.5.2003 passed by the respondent whereby his claim to be appointed as Head Constable on compassionate ground has been rejected.

2. Some of the relevant facts can conveniently be delineated. The father of the applicant was serving in Delhi Police. He unfortunately died and the applicant had applied for compassionate appointment. The claim of the applicant was processed. Screening Committee had met on 27.4.2001. Claim of the applicant was approved by the Screening Committee for appointment on compassionate ground. He was called for completion of codal formalities. Applicant was required to fill the attestation form and medical papers. In Col.No.13 of the attestation form, where the applicant was required to intimate if he was involved in any case and if so the



result thereof, applicant recorded his answer in positive 'No' on 3.1.2002. Applicant thereafter was sent for medical examination. Simultaneously, it appears that verification of the antecedents of the applicants were also being conducted. On 16.1.2002, applicant informed the respondent about his involvement in FIR No.503/98 of Police Station, Gokulpuri.

3. Applicant had earlier filed OA No.1015/2003. This Tribunal on 24.4.2003 directed the respondent to dispose of the representation of the applicant by passing a speaking order.

4. Pursuant to this order, respondent passed an order on 30.5.2003 concluding that since the applicant had deliberately concealed the fact of his involvement in the criminal case, therefore he is not a desirable person to be appointed as Head Constable(Ministerial) in Delhi Police. Hence the present petition.

5. The facts are not in controversy but the petition is being contested on its merit.

6. Learned counsel for the applicant argued that it was a mistake on the part of the applicant in filling up Col.13 referred to above. As soon as the applicant realised his mistake, he had corrected the same. In support of his claim, he has relied upon the decision of the Supreme Court in the case of Commissioner of Police Vs. Dhaval Singh (1999) 1 SCC 246.



7. We know from the decision of the Supreme Court rendered in the case of Delhi Admn. V. Sushil Kumar (1996) II SCC 605 that verification of character of a person is an important ingredient before that person can be so appointed. It is for the authority to consider the same and decide if a person is a desirable person to be appointed in Police force or not.

8. In so far as the case of Dhaval Singh (supra) is concerned, perusal of the records revealed that he had just put a cross-mark pertaining to similar column No.13 instead of positive 'No'. It was concluded that there was inadvertent mistake on the part of Dhaval Singh. It is obvious that the decision in the case of Dhaval Singh is confined to the facts of that particular case.

9. Can it be stated that in all cases where such a fact is later on brought to the notice of the authority ~~that~~ admitting that inadvertent mistake had occurred and the same be got corrected? Our answer to this question in our opinion is in negative. Tribunal/Court in every case can not conclude that there was an inadvertent mistake.

10. That brings us back into facts of the present case. We have already given a brief resume of the case and the reasons given in the impugned order. Applicant had filled the attestation form on 3.1.2002. We are informed that simultaneously character verification/verification

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of antecedents had to be undertaken. Applicant was subsequently sent for medical examination. We are not aware what prompted the applicant to conceal the said fact. It is anybody's guess in face of the aforesaid facts as to why the applicant had chosen to correct the mistake. It appears therefore that the case is to be viewed in its totality of the facts. As has been told to us at the bar the applicant had chosen not to mention the exact fact in Col.13 of the attestation form, for which we have no reason to conclude that this was not an inadvertent mistake and necessarily the judgement in the case of Dhaval Singh (supra) will not apply. The administrative authorities were justified in concluding that applicant was not a suitable person to be appointed.

11. Resultantly, there is no ground to interfere with the impugned order. The OA is accordingly dismissed.



(S.A. Singh)
Member(A)



(V.S. Aggarwal)
Chairman