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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA 350/2011
MA 2738/2011
OA 645/2003

New Delhi this the 6 day of March, 2013

Hon'ble Mrs. Manjulika Gautam, Member (A)
Hon'ble Mr. A.K. Bhardwaj, Member (J)

Girish Chander (Roll No. 121)
Recruit Constable (Bugler) of Delhi Police
S/o Shri Govind Ram
R/o H-58, New Police Lines,
Kingsway Camp, New Delhi
....Review Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Commissioner of Police
Police Headquarter
I.P. Estate, New Delhi
2. Dy. Commissioner of Police
HDQRS. (Establishment), PHQ
I.P. Estate, New Delhi
....Original Respondents

(By Advocate: Shri Amit Anand)

ORDER

Mrs. Manjulika Gautam, Member (A):

This Review Application (RA) has been filed by the applicant seeking review of order dated 18.08.2003 in OA 645/2003.

Relevant part of the order reads as follows:

"10. A perusal of the record reveals that it could not be an inadvertent mistake on the part of the applicant. He was very positive in his assertion when he filled up the application form that he was not involved in a criminal case. It is not a case of immediately discovering his mistake and communicating the same. The delay is not at all explained. The subsequent acquittal is immaterial. Once the information had been given which is wrong, the authorities could rightly consider whether the applicant would be a fit person to be selected as such. The decision had been arrived at holding that he is not a desirable person to

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be appointed in Delhi Police. There is no ground in face of the aforesaid to interfere in the said discretion.

11. Resultantly, the present application being without merit must fail and is dismissed. No costs"

2. The review has been filed on the ground that the Commissioner of Police has issued Standing Order (SO) No.371/2011 stating that if a candidate does not disclose the fact of his involvement and/or arrest in criminal cases, complaint cases, preventive proceedings etc., ~~both~~ in the application form, but discloses the same in attestation form, the candidature will not be cancelled only on this ground. The SO is placed at Annexure RA-2 (page 21 of the paper book). It is the case of the applicant in review that he had mentioned the fact of his criminal record in the attestation form and not in the application form and hence his case would be covered by the SO 371/2011, quoted above.

3. In the counter affidavit filed by the respondents, it has been stated that the applicant did not mention the fact of his involvement in the criminal case in the application form but in the attestation form he disclosed his involvement in FIR No.339/1993 under Sections 325/34 IPC. While verifying his character and antecedents, it was found that the applicant was involved in the above mentioned FIR which was pending trial in the Tis Hazari Courts. A show cause notice dated 8.12.2000 was issued. The applicant submitted his reply to the same. He also submitted a representation dated 29.04.2002 and subsequently filed OA 57/2003. The Tribunal disposed of the OA directing the respondents to take a decision on the show cause notice and representation dated 29.04.2002 expeditiously and pass reasoned

and speaking orders in accordance with law, rules and instructions on the subject. The reply to the show cause notice and the representation of the applicant were considered. It was his case that by oversight he could not mention about the criminal case in the application form. He also intimated that he was acquitted in the above mentioned case on 1.04.2002 as the prosecution failed to prove the guilt of the applicant to the full. Meanwhile, the respondents cancelled the candidature of the applicant and informed him vide letter dated 20.02.2003. Aggrieved by this, the applicant filed OA 645/2003 which was disposed of vide order dated 18.08.2003. It is these orders which are sought to be reviewed by filing the RA after more than eight years. The applicant also filed MA 2738/2011 seeking condonation of delay in filing RA. In the MA, the applicant has stated that OA 645/2003 had been dismissed vide order dated 18.08.2003. He wanted to appeal against the same and engaged a young counsel and paid him some money but the counsel wrongly informed him that the appeal had been filed in the High Court and will be taken up in its turn. After some time, the applicant learnt that no such appeal had been filed in the High Court and the counsel was not traceable. Thus he made a complaint to the Bar Council but that advocate could not be located.

4. The respondents have filed reply to MA 2738/2011 wherein they have stated that no case for condoning delay in review is made out. It has also been mentioned by them that Sandeep Kumar's case was decided on 17.03.2011 whereas the applicant's case had been decided on 18.08.2003. It is also seen by us that



the applicant has tried to rely on SO 371/2011 wherein his case is covered.

5. We have heard both the counsel and perused the record on file.

6. We are satisfied that no ground for review is made out. Both the judgments in **Commissioner of Police and ors. Vs/ Sandeep Kumar**, Civil Appeal No. 1430/2007 as well as SO 371/2011 are developments which came much later whereas the case of the applicant was finalized in the year 2003. No ground for review is made out by the applicant and hence, the RA is dismissed.

(A.K. Bhardwaj)
Member (J)

/dkm/

(Manjulika Gautam)
Member (A)