

(2025) 10 PAT CK 1348

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.11838 Of 2025

Jhabu Kumar Ram

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 15-10-2025

Acts Referred:

Indian Penal Code, 1860 — Section 302

Citation : (2025) 10 PAT CK 1348

Hon'ble Judges : Sudhir Singh, J;Rajesh Kumar Verma, J

Bench : Division Bench

Advocate : Shashi Bhushan Kumar, Ratnesh Kumar, Aditya Anand

Final Decision : Disposed Of

Judgement

Rajesh Kumar Verma, J

1. Heard Mr. Shashi Bhushan Kumar, learned counsel for the petitioner and Mr. Ratnesh Kumar, learned Sr. Central Government Counsel for the Union of India.

2. The present writ application has been filed for the following reliefs:

I. To quash the order dated 20.05.2004d in OA No. 050/00332/2022 by the Hon'ble Members Central Administrative Tribunal Patna Bench, Patna whereby and whereunder the impugned orders in the present O.A. are uphold being justified on ground of suppression of material in the attestation form and same do not suffer from any infirmity remain unassailable and petitioner is not entitled to the relief sought in the O.A. Resultantly the original application be void on merit accordingly dismissed.

II. To further quash the letter no. C.S/E/13/2014/139 Danapur dated 13.02.2017 issued by the Assistant Electricity Engineer (TRD) East Central Railway whereby and whereunder the petitioner removed from service on the ground at the time of appointment, the petitioner convicted in criminal case and till date not acquitted hence he removed from Rail Service with immediate effect.

III. To further quash the order dated 20.01.2020 passed by the General Manager (P), East Central Railway Hajipur by which the appeal of the petitioner disposed off and firm view that the termination order dated 13.02.2017 still hold good and no alternation therein is required.

IV. To further quash the letter No. ECR-HQOP ERS (CGA)/121/2020 dated 16.02.2022 issued by the General Manager (Personnel) whereby and whereunder the Revision application has not been considerable after passing the abovesaid order dated 20.01.2020 and affirm the order dated 20.10.2020.

V. To further direct to the Respondent authority to reinstate the petitioner in service with all consequential benefits. And/or any other appropriate relief(s) to the petitioner for which he may be found entitle under the fact and circumstances of the case.

3. Learned counsel for the petitioner submits that the father of petitioner Late Lal Bahadur Ram was a permanent Railway employee who died in harness on 13.09.2014 while serving as Trackman, East Central Railway, Buxar. After the death of his father, mother of petitioner, namely, Smt. Samundri Devi, submitted application for appointment of her son (Petitioner) on compassionate ground. The petitioner has been appointed on the post of Trainee Khalasi (TRD). The respondent No.6, who was working as Welfare Inspector, had taken signature of the petitioner on the Attestation Form dated 23.05.2015. Learned counsel for the petitioner further submits that all of a sudden the petitioner has received the show cause notice dated 25.11.2016. The show cause notice stated that the petitioner has given wrong information in the column number 12(1)(a) to (k) relating criminal cases pending against him and written that no criminal case is pending against him. The Show Cause Notice dated 25.11.2016 was served on the petitioner to explain why he be not removed from the service for furnishing false information and suppressing of actual information in the Attestation Form. Learned counsel for the petitioner further submits that the petitioner has submitted his reply dated 09.12.2016 stating therein that the petitioner did not fill up the information in the Attestation form and he has only put up his signature on the Attestation Form. Learned counsel for the petitioner further submits that without holding any enquiry the authority concerned has passed the impugned order dated 13.02.2017 removal from service was passed for concealment of the facts and giving false information in the Attestation form in column No. 12(1) (a) to (k) and on verification, the same was found to be false.

4. Learned counsel for the petitioner further submits that the petitioner submitted his representation against impugned order dated 13.02.2017 and the same was rejected vide impugned order dated 20/22.01.2020. Thereafter, the petitioner has submitted his representation before the Railway Board and the Railway Board has also rejected the representation of the petitioner vide impugned order dated 16.02.2022 and stated therein that the petitioner has concealed the information and furnishing false information with respect to criminal cases pending against him.

5. Learned counsel for the respondent-Railway submits that the younger brother of the petitioner has made a complaint on 25.11. 2015 that the petitioner was in custody for last four years in offence related to Section 302 of the IPC in FIR No. 125/2006. The authority has written a letter to the Superintendent of Police with regard to the aforesaid case whether the same is pending against the petitioner or not. The office of the Superintendent of Police, Buxar has informed the authority concerned that the petitioner is named as one of the accused in the aforesaid FIR and petitioner had already been convicted by the Fast Track Court - III, Buxar in Sessions Trial Case Number 10 of 2007 vide judgment of conviction dated 26.03.2010 and sentence order dated 30.03.2010. Learned counsel for the Railway further submits that thereafter the petitioner has filed an appeal against the order of conviction and sentence Criminal Appeal (DB) No. 707 of 2010 before Hon'ble High Court Patna and at the time of his initial appointment the criminal appeal was pending and he was on bail and the petitioner has deliberately suppressed the material information in column number 12(1)(a) to (k) in the Attestation Form and fraudulently obtained appointment on the basis of concealment of the facts and he cannot be reinstated on the post in question on the ground of acquittal. The termination of service of the petitioner was on the factum of giving wrong information and the petitioner has never informed the authority concerned about his involvement in any criminal cases so he has not deserved any sympathy and petitioner was given proper opportunity of hearing and thereafter competent authority has passed the speaking order after due compliance of principles of natural justice. Learned counsel for the respondent-Railway further submits that in accordance with the terms and Conditions No.11 of the initial appointment order dated 13.05.2015 the petitioner is not entitled to continue in service and from a bare perusal of the appointment order/letter dated 13.05.2016, as the applicant was holding purely temporary offer of appointment under two years period of probation in Railway. The Condition No.11 of the conditional appointment order dated 13.05.2015 is reproduced hereinbelow:-

"The applicant submitted attestation form on 25.03.2015 and abovementioned criminal case was quashed only vide judgment dated 23.03.2018 in CRA (DB) No.707 of 2010. Thus there can be no denial of the fact that applicant did conceal the registration of a Criminal case against him. The suppression of Criminal antecedents in the column 12(1) (a)to (k) of the attestation form dated 25.03.2015 is deliberate act to procure fraudulently, appointment and accordance with the terms and Conditions No.11 of the initial appointment Order dated 13.05.2015 not entitled to continue in service."

6. Learned counsel for the respondent-Railway submits that the show cause notice dated 25.11.2016 was issued to the petitioner for breach of the condition of offer of appointment and furnishing wrong information and from a bare perusal of the attestation form of the petitioner which suggests that the petitioner has furnished wrong information and it is a clear cut case that the petitioner has concealed the material information had not mentioned the criminal

cases and he has been convicted in the year 2010 and he has been appointed in the year 2015 which suggests that on the date of furnishing attestation form he was convicted in criminal case and he had not disclosed the same in his attestation form and learned Central Administration Tribunal has rightly rejected the claim of the petitioner.

7. We have heard the learned counsel for the parties at length and perused of the material available on the record, the petitioner has been removed from the service on the ground of suppression of material facts in the attestation form and the learned Central Administration Tribunal has rightly rejected the claim of the petitioner.

8. There is no merit in the writ application. Accordingly, it is dismissed.

9. Interlocutory application, if any, is pending, also stands disposed of.