

(2019) 03 CAT CK 0055

In the Central Administrative Tribunal

Case No : Original Application No. 2467 Of 2015

Pawan Singh

APPELLANT

Vs

Commissioner Of Police

RESPONDENT

Date of Decision : 08-03-2019

Acts Referred:

Citation : (2019) 03 CAT CK 0055

Hon'ble Judges : Nita Chowdhury, J;S.N. Terdal, J

Bench : Division Bench

Advocate : Rashmi Chopra, Yashpal Rangi

Final Decision : Dismissed

Judgement

S.N.Terdal, Member J

1. We have heard Mr.Yashpal Rangi, counsel for applicant and Ms. Asiya Khan for Ms. Rashmi Chopra counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

"i) quash and set aside the impugned order dated 7.5.2015 mentioned in para 1 of OA and declare the applicant eligible for appointment to the post of Constable (Driver) in Delhi Police and;

ii) direct the respondents to appoint the Applicant to the post of Constable (Driver) in Delhi Police with all consequential benefits including seniority, arrears etc.;

iii) pass and other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

3. The relevant facts of the case are that in response to the advertisement for the post of Constable (Driver) in Delhi Police-2012 published in the Employment News dated 2-8 June, 2012, the applicant had applied. He had successfully

completed Physical Endurance & Measurement Test, medical fitness, trade test and written test and he was provisionally selected subject to verification of character & antecedents and final checking of documents. On receipt of the character & antecedents report from DCP/Special Branch (Delhi), it was revealed that the applicant was involved in two criminal cases, namely, FIR 5/1995 u/s 307/34 IPC, PS/Jafarpur Kalan (Delhi) and FIR No.40/2000 u/s 379 IPC, PS/City Bahadurgarh (Haryana), in both of which he was acquitted by the criminal courts. The applicant had disclosed his involvement in the required prescribed form also. As per the policy of the respondents to eliminate any element of arbitrariness and to provide transparency in such cases as per the Standing Order No.398/2010, his case was referred to the Screening Committee, which consisted of experts who would consider all relevant facts to analyze the facts of the criminal cases in which the candidates are involved and to assess their suitability taking into consideration all relevant facts. The case of the applicant was referred to the said Screening Committee. The said Screening Committee examined the case of the applicant and observed that the applicant in view of the facts of one of the cases, he had abused his teacher; and in another case he gave a blow with a knife on his victim on the left arm and chest also he was found to have stolen a car. On the basis of the facts involved in those cases, the Screening Committee found that the type of crime in which he is involved demonstrates that the applicant was violent in nature, he had tendency to indulge in crimes without any fear of law and the Screening Committee held that, therefore, he has no place in the disciplined force and law enforcing agency like Delhi Police and as such they have not recommended his case for appointment. Further on the basis of the said finding, a show cause notice was issued to applicant and his representation to the show cause notice was also thoroughly considered and being found unfit, his candidature was cancelled by the impugned order dated 7.05.2015, which the applicant had challenged in this OA.

4. The counsel for the applicant vehemently and strenuously contended that Rule 5 and 6 of the said SO No.398/2010 of the respondents Delhi Police was not complied with by the respondents, as such he contended that the impugned order be set aside, in support of his contention, he placed reliance on the following two judgments of the Hon'ble High Court of Delhi:

(1) Sandeep Singh Vs. Union of India & Ors (W.P (C) No. 1029/2014) (2) Devender Kumar Yadav Vs. Govt. of NCT of Delhi & Anr. (W.P (C) 8731/2011 (190 (2012)DLT 140 (DB) In both the cases of Sandeep Singh (supra) and Devender Kumar Yadav (supra), the Screening Committee had not considered any legally admissible material, whereas in the present case the counsel for the applicant has not brought to our notice any such commission or omission on the part of the Screening Committee and whereas from the perusal of the impugned order, it is crystal clear that the Screening Committee has thoroughly examined the facts of the case and thereafter the competent authority had also given a show cause notice to the applicant.

5. The counsel for the respondents equally and vehemently contended that there is sufficient evidence before the Screening Committee and she further submitted that in view of the judgments of Hon'ble Apex Court in Civil Appeal No. 13231 of 1996 (arising out of SLP (Civil) No. 5340 of 1996)-DAD Vs. Sushil Kumar and in Civil Appeal No.9913 of 2010 (arising out of SLP (civil) No. 16989/2006)-Daya Shankar Yadav Vs. UOI after considering his reply to show cause notice, the competent authority held that the applicant has no place in the disciplined force and law enforcing agency like Delhi Police and as such the impugned order do not require to be interfere with.

6. In view of the facts and circumstances of the case and analysis made above, we are of the view that the impugned order do not suffer from any arbitrariness or unreasonableness.

7. Accordingly, OA is dismissed. No order as to costs.