
(2011) 07 DEL CK 0325
In the Delhi High Court
Case No : Writ Petition (C) 3622 of 1998

Ravinder Kumar

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 27-07-2011

Acts Referred:

Citation : (2011) 07 DEL CK 0325

Hon'ble Judges : Sunil Gaur, J;Pradeep Nandrajog, J

Bench : Division Bench

Advocate : H.S. Dahiya, for the Appellant; Ankur Chhibber, for the Respondent

Final Decision : Dismissed

Judgement

Pradeep Nandrajog, J.—When the Petitioner was offered appointment as a Head Constable by CISF, admittedly he was required to fill up a verification roll in which he was required to respond: Whether he was ever prosecuted or was he ever arrested or kept under detention or convicted by a Court of Law for any offence?

2. Filling up the verification roll on 15.3.1996, Petitioner responded in the negative to all the 4 columns wherein aforesaid information was sought, which information given by the Petitioner is admittedly false inasmuch as the Petitioner admits that he was an accused in an FIR registered against him and others on 19.9.1995 for offences punishable under the Arms Act as also various provisions of the Indian Penal Code.

3. Highlighting the fact that the Petitioner was still on probation when aforesaid was detected, exercising power under the temporary service rules, his service was terminated.

4. Learned Counsel for the Petitioner states that it is true that the Petitioner did not furnish the correct information and was indeed an accused for various offences under the Arms Act and the Indian Penal Code, but would urge that

what led the authority to terminate the service of the Petitioner is the fact that the concerned District Magistrate wrongly informed the department that the Petitioner was facing a trial, ignoring the fact that by 26.7.1996 the Petitioner had been acquitted. Counsel urges that if it was known to the department that the Petitioner was acquitted at the criminal trial, impugned order terminating his service would not have been passed. Second grievance made by the Petitioner is that similarly situated persons were first issued a show-cause notice informing them that the department had learnt that they had suppressed relevant information and only thereafter orders were passed after considering the reply filed by them. Counsel highlights that not only has the Petitioner been discriminated against, but additionally urges that had a show-cause notice been issued, Petitioner would have informed the department the fact of his acquittal and this would have weighed with the department.

5. Having admitted that the Petitioner did not make a complete and a truthful disclosure of his past, and virtually conceding that the information sought was relevant for the character of the Petitioner, we see no scope for any argument as advanced by learned Counsel for the Petitioner.

6. In the decision reported as *Daya Shankar Yadav Vs. Union of India (UOI) and Others*, ¹, the Supreme Court came very heavily down upon cases where public employment was obtained by withholding or suppressing or concealing relevant information which had a bearing upon the character verification of the person concerned. The decision of the Supreme Court would highlight that the focus is not: Whether the person was convicted or acquitted, but the focus has to be whether the person knowingly made false statements or knowingly suppressed truth regarding his antecedents, which were relevant for employment in a uniformed service.

7. As noted by us herein above, the Petitioner became an accused in the year 1995 and within 9 months of the FIR being registered against him he filled up the verification roll and thus it is difficult to believe that the Petitioner forgot that he was an accused. It is not a case where the events were of the past, for only then could an argument be advanced premised upon the plea of memory fading with passage of time.

8. As regards the plea that no show-cause notice was served upon the Petitioner, jurisprudence evolved states that where the facts are undisputed and the result would be the same, it would be an idle formality to insist upon compliance with natural justice.

9. We dismiss the writ petition but refrain from imposing any costs.