
(2011) 07 DEL CK 0039

In the Delhi High Court

Case No : Writ Petition (C) No. 2502 of 1998

Sohan Lal

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 13-07-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 427, 447

Citation : (2011) 07 DEL CK 0039

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

Bench : Division Bench

Advocate : Rekha Palli and Punam Singh, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

Pradeep Nandrajog, J.—It is not in dispute that after he was selected as a constable in CRPF, Petitioner was required to fill up a verification roll, which Petitioner did somewhere in the month of August 1997. It is also not in dispute that amongst other information, vide Column 12A, the Petitioner was required to inform whether he was ever arrested, prosecuted or convicted by a Court of Law for having committed any offence. The proforma lists the questions in Hindi as also English. Petitioner responded to the column in Hindi by filling up "Nahi (No)". This admittedly was incorrect. Pursuant to an FIR registered in the year 1991, Petitioner was facing trial for offences punishable u/s 147, 447, 427 IPC.

2. When this fact surfaced during police verification, services of the Petitioner were terminated when he was still on probation.

3. Conceding that the Petitioner has furnished a wrong information, learned Counsel for the Petitioner relies upon the decision reported as Commr. of Police and Others Vs. Sandeep Kumar, wherein the Supreme Court has held that young people often commit indiscretion and the same requires to be condoned especially when the offences are not grave.

4. Per contra, we have the decision of a Co-ordinate Bench of the Supreme Court reported as Kamal Nayan Mishra Vs. State of Madhya Pradesh and Others, . which takes the view that in matters pertaining to public employment, probity is of the highest degree. One may have committed an act of indiscretion in the past but must truthfully declare the same at the time of initial recruitment.

5. The latter decision of the Supreme Court relied upon by learned Counsel for the Petitioner has not noticed the earlier decision.

6. We need not go into the issue as to which decision binds us for the reason we are of the opinion that the unfortunate circumstance of the instant writ petition not being decided for 13 years would compel us to dismiss the same for the reason the delay in this Court is a result of docket explosion in this Court and for which nobody can be blamed. But, the Petitioner has to take the blame for having suppressed relevant information, in fact having furnished a false information. Today, after 13 years, we wonder what would be left in the Petitioner to serve as a constable. He had not even completed his training by the time his services were terminated. He has not been performing his morning and evening drills, which he would have, if he was a constable, and this would have kept him physically fit. As of today, learned Counsel for the Petitioner tells us that the Petitioner is aged about 39 years. He is past the prime of his life and even if we were to direct that the Petitioner be taken on duty, he would hardly be able to perform the assiduous duties of a constable.

7. Highlighting that the Petitioner is to shoulder the responsibility of the blame, having deliberately furnished wrong information, and notwithstanding there being a plausible view in his favour, taken by 2 Hon''ble Judges of the Supreme Court, but we find 2 equally Hon''ble Judges taking a view to the contrary.

8. We decline relief as prayed for and dismiss the writ petition, but refrain from imposing any costs.