



2026:DHC:5876-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9668/2026 & CAV 321/2026, CM APPL. 44996/2026,
CM APPL. 44997/2026 & CM APPL. 44998/2026

EMPLOYEES PROVIDENT FUND ORGANIZATION

.....Petitioner

Through: Mr. Dushyant Parashar, Adv.
with Mr. Manu Parashar, Adv.

versus

PRASHANT SINGH & ANR.

.....Respondents

Through: Mr Animesh Kumar, Mr
Nishant Kumar, Dr Sumit Kumar and Ms
Aprajita, Advs. for R-1
Mr. Kamal Kant Jha, CGSC with Ms. Aditi
Singh & Ms. Aakriti, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

% **20.07.2026**

C. HARI SHANKAR, J.

CAV 321/2026

1. Since the respondents have entered appearance before the Court, the caveat stands discharged.

W.P.(C) 9668/2026

2. This writ petition assails order dated 16 October 2025 passed

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Signing Date: 24.07.2026
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by the Central Administrative Tribunal¹, whereby the challenge, by Respondent 1, to communication dated 25 January 2023 issued by the Employees Provident Funds Organisation², as corrected by subsequent order dated 6 February 2023, was accepted.

3. We may note that the only correction effected by the order dated 6 February 2023 was with respect to the name of Respondent 1 which had earlier been wrongly noted as “Prashant Kumar”, which was corrected to “Prashant Singh”.

4. The dispute relates to the selection of Respondent 1 for the post of Enforcement Officer/Accounts Officer. Respondent 1 underwent all stages of the recruitment process, which he successfully cleared. The Attestation Form, which Respondent 1 was required to submit at Stage I of the recruitment process, contained the following query:

“14(a) Are you holding or have any time held an appointment under Central or State Government or a semi-government or a quasi government body or an autonomous body or a Public Sector Undertaking or a private firm or institution? If so, give full particulars with date of employment up-to-date.”

5. In response to the said query, under the heading “Reasons for leaving previous service”, the respondent answered thus:

“Non-confirmation of probation under rule 5(1) of CCS Temporary Service Rules of 1965”

6. It is not in dispute that the actual termination order, whereby the respondent’s services had been terminated under Rule 5 of the

¹ “the Tribunal” hereinafter

² “EPFO” hereinafter



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CCS (Temporary Services) Rules, was produced by the respondent at the Stage-II during document verification, and that it was only thereafter that the respondent was recommended for appointment at Stage III. He, thereafter, underwent medical examination on 27 December 2019, and was declared fit.

7. Despite this, no appointment letter was issued to Respondent 1, promoting him to address a representation to the petitioner, which met with no response. Respondent 1, thereupon, moved the Tribunal by way of OA 2293/2022. The Tribunal, by order dated 25 August 2022, disposed of OA 2293/2022 with a direction to the petitioner to pass a speaking order on the respondent's representation.

8. The order dated 25 January 2023, which came to be passed by the petitioner, purportedly in compliance with the direction issued by the Tribunal, read thus:

“File no. HRM-II/22(15)17/EO-AO/DR/15783

Date: 25 JAN 2023

To,

Shri Prashant Kumar (Roll no 0321874)
S/O Shri Umesh Prasad Singh
2nd Floor, WZ-D-17B,
Dayalsar Road, Uttam Nagar West
New Delhi, Pin: 110059

Subject: Cancellation of candidature to the post of
Enforcement Officer/Accounts Officer (EO/AO) under Direct
Recruitment Cadre-regarding.”

Sir,

I am directed to inform you that while examining your documents for verification, it was observed that the fact regarding your

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termination from previous employer was suppressed in your attestation forms.

2. In view of the above, your appointment has been cancelled by the Competent Authority. No further communication in this regard will be entertained.

(This issues with the approval of Competent Authority)

With Regards,

Sd/-

(Uma Mand) Addl. Central P.F. Commissioner (HR)”

9. Thus, the only ground on which Respondent 1’s candidature was cancelled was that he had suppressed the fact that his services had been terminated by his previous employer.

10. Aggrieved by the aforesaid order, Respondent 1 re-approached the Tribunal by way of OA 541/2023.

11. The Tribunal has, by judgment dated 16 October 2025, allowed the OA.

12. We are constrained to observe that the Tribunal has, in doing so, proceeded at a tangent. Instead of addressing the issue of whether the respondent could be said to have suppressed any information at the time of filling his attestation form, as would justify cancellation of his candidature, the Tribunal has, instead, allowed the OA on the ground that termination under Rule 5(1) of the CCS (Temporary Services) Rules does not constitute a bar to further employment.

13. This was not the issue before the Tribunal. Respondent 1’s



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candidature had not been cancelled on the ground that his earlier service had been terminated under Rule 5(1) of the CCS (Temporary Services) Rules, but on the ground that he had concealed the fact of termination.

14. Before us, too, Mr. Dushant Parashar, learned Counsel for the petitioner, has submitted that Respondent 1 had not correctly disclosed the fact relating to his termination by his earlier employer, while filling up the form for employment in the present case.

15. In this context, Mr. Dushant Parashar has drawn our attention to para 5.2 of the impugned order of the Tribunal, which observes that the respondent did not disclose the order passed by the Commissioner of Income Tax on 15 June 2017, terminating his earlier service under Rule 5(1) of the CCS (Temporary Services) Rules.

16. Mr. Parashar also submits that at the time of filling up the application for recruitment in the present case to the UPSC, Respondent 1 had stated that the reason for leaving his previous service was “preparation for Civil Service Examination”, which was contrary to what was stated in the attestation form filed before the EPFO, in which he had stated that he had left his previous job owing to non-confirmation of the probation under Rule 5(1) of CCS (Temporary Services) Rule 1965.

17. The order date 25 January 2023, whereby Respondent 1’s candidature was cancelled, specifically states the only reason of cancellation being that “the fact regarding (respondent’s) termination



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from previous employer was suppressed in (the respondent's) attestation form”.

18. In the attestation form submitted by Respondent 1 to the EPFO, Respondent 1 stated, quite candidly, that his earlier services had come to an end under Rule 5(1) of the CCS (Temporary Services) Rule 1965 and his probation had not been confirmed.

19. Mr. Prashar submits that Respondent 1 did not disclose the fact that his services had been terminated.

20. We are not prepared to countenance the submission. Rule 5(1) of the CCS (Temporary Services) Rule 1965 refers exclusively to termination. The mere fact that Respondent 1 did not employ the expression “termination” and, instead, had stated that his services had been discontinued under Rule 5(1) of the CCS (Temporary Services) Rule 1965 and that his probation had not been confirmed, to our mind, is merely a distinction without a difference. Once it had been acknowledged that Respondent 1's services stood discontinued under Rule 5(1) of the CCS (Temporary Services) Rule 1965, it is obvious that his service was terminated.

21. In so far as non-disclosure of the actual order of termination passed by the Commissioner of Income Tax is concerned, we have examined the attestation form and do not find any requirement, therein, which would require Respondent 1 to annex the order of termination which had been passed against him.



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22. Besides, as we have already noted, at Stage-II of the selection process, Respondent 1 had in fact produced the actual termination order which had been passed in his case.

23. In that view of the matter, it cannot be said that there was any failure on the part of the respondent to disclose any information as would justify cancellation of his candidature.

24. Ergo, for the reasons stated hereinabove, which, we are aware, are distinct and different from the reasons cited by the Tribunal, we are of the opinion that the cancellation of Respondent 1's candidature was not justified.

25. We, therefore, affirm the final decision of the Tribunal, albeit for reasons of our own stated hereinabove.

26. The writ petition is accordingly dismissed in *limine*.

27. Compliance with the order passed by the Tribunal be ensured within a period of four weeks from today.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

JULY 20, 2026

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