

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

DATE OF DECISION: AUGUST 31, 2015

Ex.G.D.Constable No.041571625 Dilbagh Singh

.....Appellant

VERSUS

The Union of India and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**Present: Mr. R. K. Arya, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgements and decree passed by the Courts below, vide which concurrent findings have been recorded, dismissing the suit of the appellant-plaintiff for declaration to the effect that the order of his dismissal dated 13.03.2008 passed by the Commandant, 157 Battalion, Central Reserved Police Force (CRPF), defendant-respondent No.3, and the appellate order dated 17.06.2008 passed by the Deputy Inspector General of Police, Range I, CRPF Ajmer (Rajasthan), defendant-respondent No.2, is cryptic, illegal, null and void. In fact, the Courts have come to a conclusion that the punishment imposed upon the appellant is in accordance with law.

Briefly, the facts of the case are that the appellant-plaintiff applied for appointment to the post of General Duty Constable in the CRPF.

In pursuance to the qualifications projected by him, being a matriculate,

showing himself to have secured 295 marks out of 650 marks, he was selected and appointed on the said post. However, at the time of final selection, he had submitted the correct matriculation certificate, according to which he had actually obtained 245 marks. In the light of the discrepancy in the marks as per the two certificates of matriculation, which were submitted by the appellant-plaintiff, a departmental enquiry was held, in which he was found guilty of tampering with the marks obtained and accordingly order of dismissal from service was passed by the Commandant, respondent-defendant No.3 against him on 13.03.2008. Appeal preferred against the order dated 13.03.2008 was also dismissed by the Deputy Inspector General of Police, respondent-defendant No.2 on 17.06.2008, which orders have been found to be as per the statutory rules, governing the service by the Courts below, dismissing the suit of the appellant-plaintiff.

It is the contention of counsel for the appellant that the punishment of dismissal, as has been imposed by the punishing as well as appellate authority, is disproportionate to the misconduct, which has been attributed to the appellant-plaintiff.

This contention of counsel for the appellant cannot be accepted as the appellant-plaintiff was seeking an appointment to the post of a Constable in the CRPF, which is a disciplined force, where the conduct of the person has to be over board. The initiation itself into service being based upon tampering of the record, it can very well be fathom as to what would be the subsequent conduct of the appellant-plaintiff. The punishment, as has been imposed by the departmental authorities that too after following due procedure of law, cannot be faulted with.

Both the Courts below have returned concurrent findings after properly appreciating the evidence and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

**August 31, 2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**