

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19531 of 2015
Date of Decision:-08.11.2016.

Deepak Yadav

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.S. Sangwan, Advocate for the petitioner.

Mr. Karminster Singh, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of Annexure P-1 dated 14.5.2015. The petitioner is a candidate for recruitment to the post of Constable with the respondents. He was selected and sent for training to the post of Constable in the Railway Protection Force. While he was undergoing training, an FIR was filed against him on 8.9.2014 for certain offences. The respondents noticed that an FIR has been filed against the petitioner on 8.9.2014. Taking note of that event, the petitioner's services have been terminated contending that the petitioner has suppressed the fact that he was facing criminal proceedings and in the attestation form in particularly item No.12, he has not disclosed relating to pendency of the criminal proceedings. Having regard to the dates and events, namely, the attestation form was completed on 1.6.2014. Therefore,

the question of revealing filing of FIR on 8.9.2014 in column No.12 of the attestation form do not arise for the reasons that filing of FIR is a subsequent event to that of filling up of attestation form as on 1.6.2014. Therefore, the respondents have committed an error in terminating the services of the petitioner for the reasons that as on the date of filling of attestation form in the month of June, 2014, the petitioner was not facing any criminal proceedings so as to contend that the petitioner has suppressed the pendency of the criminal proceedings. Hence, Annexure P-1 dated 14.5.2015 is liable to be set aside.

Accordingly, writ petition is allowed. Annexure P-1 is set aside. The respondents are directed to take back the petitioner into service and extend all consequential service benefits including monetary benefits for the period from the date of termination till reinstatement. However, disposal of this writ petition would not come in the way of taking disciplinary action against the petitioner with reference to the FIR filed on 8.9.2014.

(P.B. BAJANTHRI)
JUDGE

November 08, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.