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

CWP No.804 of 2016

Date of decision: January 15, 2016

Dinesh Kumar

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ravi Kant Sharma, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of mandamus for quashing the order dated 17.02.2014 (Annexure P-3).

Learned counsel for the petitioner has submitted that the petitioner was a matriculate and had joined the services of the respondents as a Constable on 14.08.2012. After completing the necessary training, petitioner was posted in 30th Battalion Indo-Tibetan Border Police ('ITBP' for short), Jalandhar. As per the self-declaration form filled by the petitioner at the time of joining of his services, there was column 12 (a)(b) as to whether the candidate was involved in any criminal offence or had been prosecuted for the same. Petitioner filled the said form in routine by writing 'No' and later, it was found that the FIR No.105

dated 03.06.2012, under Sections 419, 420, 120-B of Indian Penal Code, 1860 ('IPC' for short) was registered against the petitioner at Police Station Sector 3, Chandigarh. Show-cause notice was issued to the petitioner and thereafter, petitioner was removed from service vide the impugned order Annexure P-3. The mistake committed by the petitioner while filling up the self-declaration form was due to inadvertence.

In the present case, petitioner was appointed as a Constable. Column No.12 (a)(b) of the self-declaration form reads as under:-

“whether were arrested or any case is pending against you or you were ever arrested or you have been released on bail or you have been fined by Court or charges have been proved or you have been barred to appear in the examination by the Public Service Commission or you have been disqualified by the University or Education Board.”

The reply of the petitioner to the said column was 'No'. However, thereafter, it transpired that the petitioner was facing trial in FIR No.105 dated 03.06.2012, under Sections 419, 420, 120-B IPC, registered at Police Station Sector 3, Chandigarh. Although, petitioner has been acquitted in the criminal case vide judgment dated 23.09.2015 (Annexure P-4), but the fact remains that the petitioner had furnished incorrect information while filling

up a self-declaration form.

Rule 22 of the ITBP Rules, 1994 reads as under:-

“22. Termination of service on grounds of furnishing false/incorrect information at the time of appointment.- The Central Government, or as the case may be, the authority as specified in rule 17, may termination the service of a person subject to the Act on grounds of furnishing false/incorrect information at the time of appointment of that person in the service. A show cause notice giving one month's time shall be issued to the individual before termination of his service.”

Thus, the respondents were within their rights to terminate the services of the petitioner as he had furnished false/incorrect information at the time of his appointment.

In the facts and circumstances of the present case, the impugned order calls for no interference.

Dismissed.

(SABINA)
JUDGE

January 15, 2016
mahavir