

RA-CW No. 68 of 2016 IN
CWP NO. 18232 OF 2013

-1-

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

RA-CW No. 68 of 2016 IN
CWP NO. 18232 OF 2013
Date of Decision: August 26, 2016

UNION TERRITORY CHANDIGARH AND ANOTHER
-PETITIONERS
VERSUS
OMBIR AND ANOTHER
-RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Vikram Singh, Advocate
for the applicant-petitioners.

Mr. A.P.Setia, Advocate
for the non-applicant-respondents.

RAJ MOHAN SINGH, J.

RA-CW No. 68 of 2016

This is an application under Article 226 of Constitution of India read with Section 114 and Order 47 Rule 1 CPC for recalling/review of order dated 24.02.2016 passed by this Court in CWP No. 18232 of 2013.

The aforesaid writ petition was one of the bunch matter.

The main judgment was passed in CWP No. 3532 of 2013 titled as

Union Territory Chandigarh and others vs Pardeep Kumar and others.

The subject matter of *lis* was divided into two categories i.e. the category in which respondents did not conceal factum of their involvement in criminal cases at one point of time and acquittal thereof while filling relevant column of attestation and verification. The second category was in respect of those candidates/respondents where allegations of concealment regarding involvement in criminal cases and acquittal thereof were made against them while filling relevant column of verification. The category of the applicant was considered to be the second category where concealment in respect of involvement in criminal cases and acquittal thereof was made by him at the time of filling relevant column of verification. The case was considered on that premise along with other cases and ultimately, this Court vide decision rendered in the main case on 24.02.2016 decided the present controversy involved in the aforesaid writ petition by treating the same to be a case out of second category where concealment was made.

It was held that CWP No.18232 of 2013 and CWP No.14854 of 2014 related to those respondents in which material concealment in attestation form was made by the candidates and the

writ petitions filed by the Union Territory were allowed thereby dis-entitling the candidates from seeking appointment in view of guideline No.2(A) (a) of Standing Order 44 of 2010 which would apply stricto sensu to the selection.

In the present application, applicant-respondent No.1 has asserted that his case was wrongly tagged with the second category where concealment of material information was alleged. In fact, there was no concealment with regard to factum of his involvement in a criminal case and acquittal therefrom. The present case was to be considered along with CWP No.3532 of 2013, 17956 of 2013 and CWP No.18232 of 2013.

Since, clerical omission was alleged by applicant-respondent No.1, notice of this application was issued to the petitioners. In reply to the application, a short affidavit dated 27.05.2016 has been filed by Sukhchain Singh Gill, IPS, Senior Superintendent of Police, Union Territory, Chandigarh wherein it was admitted that in case of applicant-respondent, there was no concealment of fact in respect of registration of FIR at the time of filling up antecedents and character verification etc.

Paras No.3,4 and 5 of the affidavit are reproduced here as
under:-

“3. That the applicant respondent was respondent in the above mentioned writ petition which was allowed in favour of Chandigarh Administration. As in the case of the applicant/respondent there was no concealment of fact of registration of FIR at the time of filling up antecedents and character verification Performa, the applicant has moved this review application stating therein that the instant writ petition filed by Chandigarh Administration has been wrongly allowed.

4. That the deponent after going through the record of the case of the writ petition wherein the applicant was respondent respectfully submits that in the case of the applicant/respondent there was no concealment of fact of registration of FIR at the time of filling up antecedents and character verification Performa and his case is similar to the other writ petitions which were dismissed by this Hon'ble Court vide its order dated 24.02.2016 on the ground that there was no concealment.

5. That in view of the facts stated hereinabove the deponent is not in a position to object to the prayer made in the review application and hence his application may be allowed in the interest of justice.”

In view of stand taken by the petitioners through the affidavit of Senior Superintendent of Police, the order dated 24.02.2016 is hereby recalled to the extent of decision rendered in CWP No.18232 of 2013 and it is ordered that the respondent in CWP No.18232 of 2013 is also entitled to be appointed as Constable w.e.f. from the date, selected candidates lower in merit were issued appointments. He shall also be entitled to all the consequential services except payment of arrears of salary. The review application is accordingly allowed.

(RAJ MOHAN SINGH)
JUDGE

(M. JEYAPPAUL)
JUDGE

August 26, 2016
Jyoti Y.

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No