

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.975 of 2016  
Arising out of  
Civil Writ Jurisdiction Case No. 14126 of 2015**

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Devraj Singh Son of late Ram Bhawan Singh, resident of village Tikri, Post-Hanumanganj, Police Station Utraon, District- Allahabad, ( Force No.015021034).

.... .... Appellant/s

Versus

1. The Union of India, through the Home Secretary, Government of India, New Delhi.
2. The Director General Central Reserve Police Force, Central Zone, Bihar Sector, Ashiana Digha Road, Patna.
3. The Additional Director, General, CRPF, Central Reserve Police Force, Ashiana Digha, Road, Patna.
4. The Special Director General, Central Zone, Central Reserve Police Force.
5. The Inspector General C.R.P.F. Bihar, Sector, Patna.
6. The Commandant, 26th Battalion, Central Reserve Police Force, Patna.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s :

For the Respondent/s : Mr. S.D Sanjay (ADDL. SOC. GEN.)  
Mr. Rajesh Kumar Verma, C.G.C.

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 23-06-2017**

Delay of 162 days in filing of the appeal is condoned.

I.A. No. 3578 of 2016 stands allowed.

2. Seeking exception to an order dated 07.09.2015 passed by the learned Writ Court in C.W.J.C. No. 14126 of 2015 this appeal has been filed by the appellant under Clause 10 of the Letters Patent.

3. The learned Writ Court has refused to interfere into the matter pertaining to removal of appellant from service only on



account of the delay. Even though on merit, it did find some substance in the grievance of the appellant.

4. On account of suppression of fact with regard to his involvement in a criminal case, in which he was honourably acquitted for certain offences, the writ petition in question was filed and the learned Writ Court found that the appellant was removed from service in the year 2002 and now interference cannot be made after such a long period of time. However, while doing so, the learned Writ Court lost sight of the fact that after his removal on 28.06.2002 appellant filed a writ petition before the Allahabad High Court being Civil Writ No. 27504 of 2002 which was pending in the Allahabad High Court for nine years. It was dismissed on 09.08.2011 and thereafter the appellant approached the Delhi High Court which also dismissed the petition on account of want of jurisdiction. In the meanwhile, the Inspector General of Police, C.R.P.F., Patna on 17.01.2013 dismissed the Revision Petition after the appeal filed by the appellant was dismissed on 09.10.2012. That being so, as the lis was kept alive till decision of the revision on 17.01.2013 the learned Writ Court should not have rejected the writ petition on the ground of delay, instead, it should have gone into the merit of the matter.

5. That apart, we find that the appellant has only been proceeded with and the impugned action has been taken only because



appellant did not disclose the fact about a criminal case being instituted against him and his acquittal in the criminal case. The appellant was acquitted of the criminal case and the prosecution of the appellant in the criminal case was for offences under Sections 147, 427 read with 506 of the Indian Penal Code and the order passed by the Criminal Court indicates that he was acquitted on 29.07.2006. However, recently in the matter of suppression of relevant information or submission of false information with regard to criminal prosecution, arrest or pendency of a criminal case action to be taken has been considered by the Supreme Court in the case of **Avtar Singh Vs. Union of India and others (2016) 8 SCC 471** and after analyzing the legal principle in detail the Hon'ble Supreme Court in the aforesaid case in Paragraph 38 has summarized the conclusion imposing certain conditions on the employer and the principles to be followed for evaluating the suppression or the false information furnished, determining the nature of such suppression, the nature of the offence committed and various other aspects and take a decision. As the principle of law for evaluating such cases is crystallized now by the Supreme Court in the case of **Avtar Singh** (supra), it is a fit case where the matter should be remanded back to the Disciplinary Authority for reconsideration.

6. Accordingly, we allow this appeal in part, quash the



order passed by the learned Writ Court and remand the matter back to the competent authority to consider the claim of the appellant afresh in accordance with the law laid down in the case of **Avtar Singh** (supra), particularly the principles enumerated in Paragraph 38 thereof and take a decision as to whether the appellant's claim has to be reconsidered or not and any relief granted. Let a decision in the matter be taken by the competent authority now after reconsideration within a period of three months from the date of receipt of certified copy of this order.

7. With the aforesaid, the Letters Patent Appeal stands disposed of.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

P.K.P.

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