

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

CWP No.17249 of 2015 (O&M)

Date of Decision:23.02.2017

Charanjit Singh

.....Petitioner

Vs.

UT of Chandigarh and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present:- Mr. Rao Ajinder Singh, Advocate
for the petitioner.

Mr. Suvir Sehgal, Sr. Standing Counsel
with Mr. A.P. Setia, Advocate for
respondents No.1 to 3.

SURYA KANT, J.(Oral)

The petitioner impugns the order dated 31.1.2008 whereby Central Administrative Tribunal, Chandigarh Bench, has dismissed his Original Application in which he had laid challenge to the order of his discharge from the post of Constable in Chandigarh Police.

Though the writ petition has been filed after a delay of seven years and can be outrightly dismissed on this ground alone, nevertheless we have heard learned counsel for the parties on merits.

The petitioner, who is a permanent resident of Village Ahulana, Police Station Ganour, District Sonapat, Haryana was selected and offered appointment as a Constable in Chandigarh Police on 26.2.2002. Soon thereafter, he was discharged from service on 28.8.2002 under Rule 12.21 of Punjab Police Rules, 1934 which enables the Superintendent of Police to discharge a Constable from service within three years of appointment if he

is not likely to prove an efficient police officer.

The petitioner challenged the order of termination of his services but the Tribunal has dismissed his original application.

The reason which prompted the competent authority to form an opinion against the petitioner was that in the application form, Column No.9 required a candidate to disclose as to whether he was ever 'arrested' and whether he has ever been 'prosecuted' or has he ever been convicted by any Court after holding guilty of any offence etc. The petitioner mentioned "Nil" against the said Column. Similarly, a separate form for police verification was required to be filled in after selection which is then sent for antecedent verification to the local police. Its Column No.5 also required the candidate to disclose whether he has ever been convicted or 'suspected' of a criminal offence--" in response to this, the petitioner mentioned "No".

However, on police verification, it was found that the petitioner was involved in FIR No.254 dated 28.11.2001 registered under Sections 363, 366, 511 IPC at Police Station East Chandigarh.

Since the petitioner was found guilty of concealing material information in the application form as well as at the time when he applied for character and antecedent verification, that the competent authority formed the opinion that he was not likely to prove to be an efficient police officer.

Somewhat similar situation arose for consideration of this Court in **Devender Kumar v. State of Haryana and others**, - LPA No.406 of 2013 decided on 16.9.2016. While upholding the action of discharge of the Constable, this Court held as follows:-

“[19] It may thus be seen that the appellant is guilty of concealing a vital information regarding his involvement in the criminal case, hence we are of the considered view that the distinction drawn by the Supreme Court in para No.18 of its decision in Joginder Singh's case (supra), applies in full force and the principle culled out in para No.17 cannot come to his rescue. Since the appellant can draw no advantage out of the decision in Joginder Singh's case (surpa), it is not necessary to elaborate the other binding decisions, some of which are relied upon by the learned Single Judge or those rendered subsequently, including in (i) Deputy Commissioner General of Police and another versus S. Samuthiram (2013) 1 SCC 598; (ii) Commissioner of Police, New Delhi and another versus Mehar Singh (2013) 7 SCC 685 and (iii) State of Madhya Pradesh and others versus Parvez Khan (2015) 2 SCC 591.”

For the reasons afore-stated, we do not find any merit in this writ petition.

Dismissed.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

23.02.2017

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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No