

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT APPEAL No.947 of 2011

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

This writ appeal was preferred by the unsuccessful petitioner in W.P.No.585 of 2011 aggrieved by the dismissal thereof by a learned Judge of this Court *vide* order dated 22.06.2011. The grievance of the appellant/petitioner was with regard to the order dated 14.07.2009 passed by the Commandant, Central Industrial Security Force (CISF) Unit, NFC, Hyderabad, terminating her services as a Mahila Constable attached to the CISF, which was thereafter confirmed by the Inspector General of the CISF by order dated 30.09.2009. The reason for termination of the services of the appellant/petitioner was that she had failed to disclose her involvement in a criminal case at the time of her appointment. The learned Judge was of the opinion that as the appellant/petitioner was well aware of the fact that suppression of her involvement in a criminal case in the attestation form that she was asked to fill while she was undergoing training would be fatal, her failure to disclose her involvement in a criminal case could not be countenanced. The learned Judge accordingly held that there was no legal infirmity in the order passed by the Commandant of the CISF terminating her services and dismissed the writ petition. Aggrieved thereby, she is in appeal.

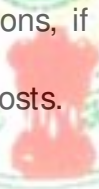
Sri K.G.Krishna Murthy, learned senior counsel appearing for Sri K.Rama Mohan Mahadeva, learned counsel for the appellant/petitioner, would submit that the said criminal case ended in the acquittal of the appellant/petitioner.

In the light of the law laid down by the Supreme Court in *Avtar Singh v. Union of India*¹, we are of the opinion that the matter does not require to be adjudicated on merits by this Court.

In terms of the aforestated judgment, it is ultimately within the discretion of the CISF to consider the impact of the involvement of the appellant/petitioner in a criminal case and suppression thereof by her, if any.

The writ appeal is accordingly disposed of permitting the appellant/petitioner to make a representation to the authorities concerned setting out her grievance. In the event such a representation is made, the authorities concerned shall consider the same in the light of paragraphs 36 to 38 of the judgment rendered by the Supreme Court in *Avtar Singh*¹. This exercise shall be completed expeditiously and, in any event, not later than eight weeks from the date of receipt of the representation made by the appellant/petitioner, if any.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.


SANJAY KUMAR, J


N. BALAYOGI, J

18th April, 2018
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¹ (2016) 8 SCC 471