

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

CWP No.27293 of 2017

Date of Decision : 14.02.2018

The Union Territory, Chandigarh and others

....Petitioners

Versus

Krishan Kumar and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJBIR SEHRAWAT

Present: Mr.Suvir Sehgal, Senior Standing Counsel,
UT Chandigarh with
Mr. Sanjiv Ghai, Advocate and
Mr. Akshay Sethi, Advocate
for the petitioners.

MAHESH GROVER, J. (Oral)

This is a writ petition preferred by the Union Territory, Chandigarh against the order of the Central Administrative Tribunal dated 04.01.2017.

Respondent No.1 after having served the Indian Army and earning a glorious record of appreciation applied for the post of Constable and was selected and appointed after due process of verification and was subsequently shown the door on the ground that he had concealed the factum of his involvement in a criminal case under Sections 148, 149, 323, 325 and 506 IPC though acquitted. The Tribunal set aside the order dated 21.09.2011, impugned before it, and remitted the matter back to the competent authority in the light of the observations made in the order.

Learned counsel for the petitioners contends that there was no occasion for the Tribunal to remit the matter back as it was a clear

case of concealment and suppression of material information which would cast aspersions on the incumbent particularly when he is desirous of joining a disciplined force. He relies upon a judgment dated 08.01.2018 of Hon'ble Supreme Court in Civil Appeal No.67 of 2018 titled 'Union Territory, Chandigarh Administration and ors. v. Pradeep Kumar and another.

On due consideration, we do not find any reason to interfere. We notice from the record that during his service in the Indian Army the respondent No.1 participated in various operations undertaken by the Army and was awarded with operation Vijay Medal besides other medals. He is said to have earned 18 colours and was permitted to retire after completing qualifying service with a flattering character certificate. His involvement in a criminal case and acquittal much prior to his undertaking a service with the Army would have no consequence more particularly when he has proved himself to be a person fit to serve the uniformed force. The judgment relied upon by the learned counsel would has no bearing on the present case because of peculiar facts noticed in the order.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

14.02.2018
dss

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No