

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

**CWP No.5787 of 2018
Date of decision: 06.08.2018**

Sumit

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Shalender Mohan, Advocate,
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

Ritu Bahri, J.

Petitioner is seeking a writ in the nature of certiorari quashing the order dated 27.09.2017 (Annexure P-8), whereby his services as Constable have been terminated and order dated 23.01.2018 (Annexure P-10), vide which, appeal against the order dated 27.09.2017 has been dismissed.

Pursuant to advertisement dated 19.07.2015 (Annexure P-1), petitioner was selected to the post of Constable under the BC-A category after following due process of selection i.e. passing of physical examination test (Annexure P-4), written examination conducted on 28.08.2016 and interview on 08.06.2017. After issuance of appointment letter, petitioner joined his duty on 27.06.2017 with respondent No.4. After publication of advertisement dated 19.07.2015 (Annexure P-1), FIR No.266 dated 28.11.2015, under Sections 323, 341 read with Section 34 of IPC was registered against him at Police Station, Julana, District Jind. After joining duty with respondent No.4, verification form was submitted on 26.06.2017.

As per petitioner, he had informed the authorities about registration of the

aforesaid FIR. Thereafter, he was terminated vide order dated 27.09.2017 (Annexure P-8). Eventually, his appeal against the said order was also dismissed vide order dated 23.01.2018 (Annexure P-10). Hence, this petition.

Upon notice, stand taken by the respondents, in their written statement, is that the petitioner has been rightly discharged from the police service on the basis of Punjab Police (Haryana Amendment) Rules, 2015. As per Rule 12.18 (2), a candidate is bound to disclose about registration of FIR or criminal complaint against him for any offence under any law along with the current status of such case in the application form and verification-cum-attestation irrespective of the final outcome of the case. Non-disclosure of such information shall lead to disqualification of the candidature outrightly, solely on this ground. Further, reference was made to Rule 12.18 (4) of the above Rules, which provides that if, a candidate has got appointment either by concealment of facts or by furnishing false or wrong information or by submitting fake or forged document/certificate, he shall be discharged from the service without holding a regular disciplinary proceedings, treating him ineligible for service and salary paid to him may also ordered to be recovered. As per verification report dated 25.06.2017 (Annexure R-1) sent by the Superintendent of Police, Jind to the Commandant, 3rd Battalion, HAP, Hisar, character and antecedents of the petitioner have been found good and nothing adverse is noticed against him. This verification was sent after he had joined on 27.06.2017. Thereafter, a letter was sent by the Superintendent of Police on 04.07.2017 (Annexure R-2) mentioning that FIR No.266 dated 28.11.2015, under Sections 323/341/325/34 IPC has been registered against the petitioner at Police

Station, Julana and the same is still pending trial. The petitioner did not disclose the desired information in his attestation and verification form filled by himself on 24.06.2017 (Annexure R-3). Hence, he has been discharged from service under Rule 12.21 of Punjab Police Rules, 1934 as he was found unlikely to prove an efficient police officer. His appeal against the said order, has also been dismissed vide order dated 23.01.2018 (Annexure P-10). With regard to giving a wrong report, punishment of censure has been awarded to EASI Baljit Singh, No.39/Jind.

Heard.

Since the petitioner had himself filled the verification form and has signed his attestation and verification form dated 24.06.2017 (Annexure R-3), he was duty bound to disclose with regard to pendency of criminal trial against him in the above said FIR. Hence, the order of discharge/termination has been rightly passed under Rule 12.18 (4) of the Punjab Police (Haryana Amendment) Rules, 2015.

Resultantly, after going through the contents of the petition, no case is made out to interfere in the impugned orders.

No merits.

Dismissed.

(RITU BAHRI)
JUDGE

06.08.2018
ajp

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