

\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 14058/2018**

BUDUMURU RAJESWARA RAO Petitioner
Through: Mr Abhishek Kumar Choudhary,
Advocate.
versus

UNION OF INDIA AND ANR. Respondents
Through: Mr Thakur Prasad Singh, Sr. Central
Government Counsel for UOI.
Mr Vivek Singh, LO-CRPF present.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
22.12.2018

CM No.54845/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 14058/2018 & CM No.54844/2018

2. The petitioner has filed the present petition, *inter alia*, impugning the termination order dated 24.11.2018 issued by the Commandant, 23BN CRPF, Karan Nagar, Srinagar, Jammu and Kashmir, whereby the petitioner's employment with Central Reserve Police Force (CRPF) has been terminated.

3. The present petition has been filed by the petitioner through his father as it is stated that the petitioner is serving in Srinagar and is unable to leave his post for filing the present petition.

4. It is stated that the petitioner's employment has been terminated on

account of his involvement in a criminal case (CR No 09/207 u/s 326,324,506 r/w 34 IPC) registered with PS Amadalavalasa, Srikakulam District. It is alleged that the petitioner had failed to disclose his involvement in the said case in the verification roll submitted by him while applying for the service.

5. Mr Choudhary, the learned counsel appearing for the petitioner contends that there was no suppression of any material fact and the petitioner had prior to the application submitted the police verification certificate, which indicates that the petitioner was involved in a Criminal Case (CS No.09/2017) under Section 324/506 r/w 34 IPC, PS Amadalavalasa but there was no *prima facie*, evidence against him. This is disputed by Mr Singh, the learned counsel who appears for the respondent. He states that the documents annexed with the petition do not indicate that the said report had been received.

6. Mr Singh has opposed the present petition, essentially, on three grounds. First, he submits that this Court had no jurisdiction to entertain the present petition as the petitioner was posted in Srinagar, Jammu and Kashmir and the order impugned in the present petition was also issued in Srinagar. Second, he submits that the petitioner has suppressed the fact regarding his involvement in a case. He had expressly indicated in negative against the entry requiring him to indicate whether any case was pending against any Court of Law at the time of filing of the verification roll. Third, he submits that even if it is assumed that the petitioner had disclosed his involvement in a case, the subsequent antecedent report is adverse and indicates that the concerned Magistrate has not accepted the version of

the police and a case has been registered against the petitioner.

7. This Court is of the view that the contentions advanced on behalf of the respondent are merited. The cause of action has arisen in the State of Jammu and Kashmir and it would not be apposite to exercise jurisdiction in this case. Having stated the above, for the sake of completeness, this court has also examined the petitioner's case on merits.

8. A copy of the verification roll submitted by the learned counsel for the respondent also indicates that the petitioner had responded in the negative against the relevant entry which reads as: *"Is any case pending against you in any Court of Law at the time of filing up this Verification Roll?"*

9. Thus, the ground that the petitioner had suppressed his involvement in the verification roll is factually correct. Lastly, the petitioner's employment was on a probation and his services could be terminated at the discretion of the authorities. In the present case, antecedent report is adverse and therefore, the respondent's decision cannot be faulted or considered as arbitrary or unreasonable.

10. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

SANJEEV NARULA, J

DECEMBER 22, 2018/MK