

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**  
Sr. No.: 101

**LPA No.1248 of 2017**  
**In CWP No.1135 of 2014**

**Date of Decision:** *March 05, 2020*

Ex.Constable (Barber) No.071170008 Ashok Kumar

..... APPELLANT

*VERSUS*

Union Of India & others

..... RESPONDENT(S)

...

**CORAM:**      **HON'BLE MR. JUSTICE JASWANT SINGH**  
                     **HON'BLE MR. JUSTICE SANT PARKASH**

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**PRESENT:** -    Mr. Vijay Sangwan, Advocate, for the appellant.

                     Mr. Anil Chawla, Standing Counsel for Union of India.

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**Sant Parkash, J**

This appeal has been preferred by the appellant for setting aside impugned judgment dated 02.03.2017 passed by the learned Single Judge in CWP No.1135 of 2014, whereby the writ petition has been dismissed and order dated 16.12.2013, whereby he was dismissed, has been upheld.

Learned counsel for the appellant – petitioner has submitted that the impugned judgment being erroneous, is against the canons of law and has resulted into grave injustice. The appellant was appointed to the post of Constable (Barber) in OBC Quota on 21.02.2007, in Border Security

Force. The appellant was dismissed from service on the complaint made by one HC Umed Singh, who got premature retirement. The appellant, prior to his dismissal, served the BSF for 7 years without any complaint. It was Umed Singh, who filled up his application form. It was Umed Singh, who demanded ₹ 5 lac from his father on the ground that he has got recruited the appellant. The appellant belongs to the lower strata of society and grown up in rural village surroundings. The complaint made by Umed Singh was totally frivolous, on the basis of inquiry was held and the appellant's dismissal from service was illegal.

Learned counsel for the respondents – Union of India, has hailed the impugned judgment rendered by the learned Single Judge and submitted that the appellant was not eligible for appointment for want of a blood relation of a BSF employee. His father was an agriculturist. The appellant prepared a bogus certificate regarding the blood relation. Thus, he has been rightly dismissed from service.

We have heard the rival submissions made by learned counsel for the parties and perused the record.

Admittedly, the appellant was not a blood relation of a BSF employee as his father, Mani Ram, happened to be an agriculturist and has nothing to do with the BSF. It was Constable Umed Singh who facilitated the appellant in getting recruited in BSF, by preparing a false certificate of blood relation. However, after premature retirement, Umed Singh demanded money from father of the appellant and made a complaint to the authorities. The said complaint led to the inquiry proceedings, which culminated in dismissal of the appellant.

Merely because the BSF was ignorant to the fact, length of service is no ground to save an appointment and the fact that appellant served BSF for 7 years without any adverse remarks, will not lend legal favour to the illegal appointment. Thus, the appointment of the appellant in BSF was absolutely illegal since he did not belong to the quota against which he obtained appointment by producing a forged and fabricated document.

In the light of what has been discussed above, we do not find any illegality or infirmity in the judgment passed by the learned Single Judge and upheld the same. Consequently, the instant appeal is dismissed.

**(Jaswant Singh)**  
**Judge**

**(Sant Parkash)**  
**Judge**

**March 05, 2020**  
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Whether Speaking/ Reasoned:  
Whether Reportable:

Yes/ No  
Yes/ No