



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.20565 of 2021

W.M.P(MD).Nos.17197 and 17198 of 2021

G.Gopi Mathavan

... Petitioner

-vs-

1.Office of the Inspector General/
North Sector Central Industrial Security Force,
(Ministry of Home Affairs),
CISF Campus, Saket, Post Malviya Nagar,
New Delhi-110017.

2.Office of the Group Commandant,
Central Industrial Security Force,
(Ministry of Home Affairs),
Kendriysadan, 4th floor,
Sector-9/A, Chandigarh-160 009.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records and quash the order dated 08.03.2016 passed by the 1st respondent read with the order in No.V-15014/CISF/GHCH/DISC/GMG/2015/2057 dated 25.08.2015 passed by the 2nd respondent and consequentially direct the respondents herein to reinstate the petitioner into service with all consequential benefits.

For Petitioner : Mr.Anirudh A Sriram
For Respondent : Mr.Victoria Gowri
ASGI for R1 and R2

O R D E R

The order of termination terminating the services of the petitioner during the period of probation is under challenge in the present writ petitin.



2. The petitioner participated in the process of selection for appointment to the post of Constable/Driver in Central Industrial Security Force (CISF) during March 2013. He passed all the required tests and was selected and subjected to six months training. After completion of training, the petitioner was appointed on 17.06.2015 and posted at Head Quarters, Haryana, CSIF Unit.

3. The petitioner states that while filing the application form for joining the post of CISF, there was a specific query as to whether the applicant had any criminal antecedents for which the applicant had marked 'nil'. The petitioner himself states that he did not disclose with bonafide impression that the case ended up acquittal two years back of his selection and the misconduct was not intentionally. However, by citing the said fact, the order of termination was issued mainly on the ground that the petitioner suppressed the fact.

4. The petitioner himself admitted in his affidavit stating that he has not stated the fact regarding the registration of criminal case against him in the application form.

5. The learned Additional Solicitor General of India relying on the counter filed by the respondents made a submission that the individual has been charge sheeted in Crime No.825 of 2010 under Sections 302, 147 and 148 of IPC. Though the petitioner was acquitted from the criminal charges, he has suppressed the fact regarding the registration of criminal case in his application. This apart, the antecedent was not stated by the petitioner. On verification, the Authorities found that the name of the petitioner is in the rowdy list.

6. This being the factum, the Authorities have invoked the provisions of Sub-Rule (2) of Rule 25 and Sub-Rule (4) of Rule 26 of CISF Rules, 2001 and terminated the services of the petitioner during the period of probation. The appeal filed by the petitioner was also rejected on the ground of suppression of fact at the time of submission of application during selection process. Subsequently, the Authorities verified that the name of the petitioner is in the rowdy list of Tamil Nadu State Police.

7. This being the facts and circumstances, this Court does not find any acceptable reason for the purpose of interfering with the order of termination. More so, the order of termination was issued during the period of probation and the Authorities found that character and antecedent of the petitioner was not satisfactory. Thus, there is no infirmity as such in respect of the order of the Original Authority as well as the order passed by the Appellate Authority.



8. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

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