

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

**CWP No. 22199 of 2021
Date of decision: 04.03.2022**

Sandeep Kumar

..... Petitioner.

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. P.S. Jammu, Advocate, for the petitioner.

Mr. B.R. Mahajan, Senior Advocate, with
Ms. Nikita Goel, Advocate, for respondents No. 1 and 2.

Mr. Anant Kataria, DAG, Haryana, for respondent No. 3.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has sought a direction to the respondents to allow him to join on the post of Lower Divisional Clerk ('LDC' - for short) in pursuance to the appointment letter issued to him on 18.05.2021.

Learned counsel for the petitioner contends that the petitioner had applied for the post of LDC in pursuance to advertisement No. 11/2019. He was found meritorious and an appointment letter was issued to him on 18.05.2021. The petitioner had gone to join the post along with documents, but he was not allowed to join the post on the ground that an FIR is pending against him. He also contends that mere pendency of an FIR should not be a ground to deny appointment to the petitioner.

The respondents have filed their respective reply.

Learned senior counsel appearing for respondents No.1 and 2

while referring to the reply filed on behalf of respondents No.1 and 2 contends that it was specifically mentioned in the advertisement that the candidates were required to furnish information with regard to any criminal case pending or decided. The petitioner is an accused in FIR No. 894 dated 25.06.2018, under Sections 419 and 420 of the Indian Penal Code, 1860, registered at Police Station Panipat, involving impersonation of the candidates, who had applied for the post of constable in Haryana Police. The petitioner has been charge-sheeted and is facing trial. In the column with regard to pendency of any criminal case, the petitioner had written 'No' and, therefore, it was a material concealment which would disentitle him for appointment to the post of LDC.

Heard.

The petitioner had been selected for the post of LDC. There is a column in the application form itself wherein the candidate was required to disclose 'if any FIR is lodged/pending against the petitioner'. The petitioner has written 'No' against this column. In the offer of appointment, it was stipulated that the petitioner would furnish the following information:-

“4. Your appointment will be subject to the following conditions.

- I. You actually possess and will produce all original certificates in support of your educational professional qualification at the time of joining.
- II. You have only one living wife/husband unless you are a bachelor or widower/widow or exempted under any personal/customary law applicable to you.
- III. You are not a dismissed Govt./public servant or person convicted of an offence involving moral turpitude or facing any FIR/released on probation by any court of law.
- IV. **No criminal case is pending against you/released on probation by any court of law.**
- V. No charge sheet has filed against you in any competent court relating to any crime.

- VI. You have not been convicted for any such offence by any competent court.
- VII. No travelling allowances will be admissible to you for journey for joining this post.
- VIII. You shall produce age certificate and medical fitness certificate for 1st entry into Nigam's service, from the Civil Surgeon, Health department, Govt. of Haryana at your own cost at the time you actually report for duty. In case, you are not found medically fit, this offer shall stand cancelled.
- IX. You will be required to serve and liable to be transferred to any office under the Dakshin Haryana Bijli Vitran Nigam or any place within the jurisdiction of the Bhakhra Beas Management Board, or outside the Haryana State or any other place at the discretion of the Nigam.
- X. You are not less than 18 years and not more than 42 years of age at the time of submission of application against the said advertisement.
- XI. You will not undertake higher studies of any kind without obtaining the prior permission. Consequently, no leave of any kind will be granted for pursuing the higher studies.
- XII. You have not concealed any information from the DHBVN which will render you unfit for the present service. In case any concealment is found later on then your services can be terminated/dispensed with by Competent Authority without any notice and assigning any reason.
- XIII. This offer is being issued without verifying the character and antecedents in view of Haryana Govt. letter no. 52/9/94-S (I) dated 07.06.1994 adopted by the erstwhile Board vide memo no. Ch-266/NGE/G-420 dated 19.06.1995 and subsequently adopted by Nigam after bifurcation of erstwhile HSEB into four different companies in view of Haryana Reforms Act, 1997. In case, subsequently, any adverse facts come to the notice of the Nigam regarding your Character and Antecedents, your services are liable to be terminated without any notice and assigning any reason.
- XIV. There is nothing adverse against you, which may render you unsuitable or ineligible for DHBVN service on verification of your character and antecedents later on. In case anything came to the notice of Nigam which render you unsuitable or ineligible in that case you can be removed from the services of the Nigam without notice and assigning any reason.
- XV. This offer of appointment is on provisional basis subject to verification of documents/certificates by the issuing authorities. If on verification, these are not found to be genuine or are bogus; your offer will stand cancelled.

XVI. This offer of appointment is subject to any writ petition/cases, if any pending in any connected court of law.”

(Emphasis supplied)

It is manifest that the petitioner had withheld and concealed the material information with regard to pendency of a criminal case against him. The allegations in the FIR are serious. He is accused of impersonation in the recruitment for the post of constable in the Haryana Police, he has been charge-sheeted and is facing trial. Therefore, in such circumstances, the action of the respondents in rejecting the candidature of the petitioner does not suffer from any infirmity which would warrant interference by this Court while exercising writ jurisdiction.

Consequently, the petition is dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

04.03.2022
Ramesh

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