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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 04.02.2022

+ **W.P.(C) 385/2021**

ARUN KUMAR

.....Petitioner

Through: Mr Sachin Chauhan, Adv.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mrs Avnish Ahlawat SC GNCTD
with Mrs Tania Ahlawat, Mr Nitesh
Kumar Singh and Mr Siddhant Tyagi
Advs.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE TALWANT SINGH

[Court hearing convened *via* video-conferencing on account of COVID-19]

RAJIV SHAKDHER J. (ORAL):-

1. This writ petition is directed against order dated 07.10.2020, passed by the Central Administrative Tribunal [in short “the Tribunal”] in O.A. No.220/2019.

2. The broad facts, which are required to be noticed for adjudicating the present writ petition, are as follows :-

2.1. The petitioner had applied for recruitment to the post of temporary Constable (Executive) Male in Delhi Police in 2016. Admittedly, the petitioner had qualified the examination stipulated for this purpose. The petitioner’s candidature, however, was cancelled by the respondents,



purportedly, on the ground that he had not disclosed the fact that he was previously employed with the Central Industrial Security Force (CISF). This information, according to the respondents, was required to be disclosed in the attestation form filled up by the petitioner.

2.2. The record reveals that the attestation form is dated 05.03.2018, and that the petitioner resigned from CISF on 11.04.2018.

3. According to Mr Sachin Chauhan, who appears on behalf of the petitioner, the petitioner inadvertently i.e., mistakenly did not indicate in the attestation form that he had previously worked with CISF.

3.1 Mr Chauhan contends that the petitioner had no motive in concealing the information that he had resigned from CISF.

3.2 According to Mr Chauhan, when police verification was carried out in and about 08.05.2018, the petitioner himself disclosed this information, which, then, formed the subject matter of show cause notice dated 19.07.2018 that was issued to the petitioner.

3.3 Upon receipt of the show cause notice dated 19.07.2018, the petitioner filed a reply to the same on 03.08.2018. The respondents, after considering the reply, cancelled the candidature of the petitioner, *via* order dated 04.09.2018.

3.4. It appears that the petitioner, thereafter, had made a representation dated 19.09.2018, followed by, instituting an action with the Tribunal. This action was numbered as OA 4153/2018. The Tribunal disposed of the said OA, *via* order dated 31.10.2018. The Tribunal, *inter alia*, directed the respondents to render a decision in the petitioner's representation dated 19.09.2018.



4. The respondent, as directed, decided the petitioner's representation, via order dated 12.12.2018. It was this order along with cancellation order dated 04.09.2018, which was assailed by the petitioner in the subject OA [i.e., OA No.220/2019], in which, the impugned order dated 07.10.2020 has been passed.

5. We have heard the learned counsel for the parties and perused the impugned order.

6. According to us, the impugned order, after broadly recording the facts of this case, disposed of the petitioner's OA without discussion on the merits of the contentions raised by the parties with the following observations:-

“8. The facts of the judgments relied upon by the applicant are different from the facts of this case. This is the 2nd round of litigation. Earlier, the applicant had also filed O.A No. 4153/2018 with the same pleading and in the order dated 31.10.2018, learned counsel for the applicant had submitted that his representation dated 19.09.2018 addressed to the respondents is pending and he will be satisfied if a time bound direction is given to the respondents to decide his representation. The Tribunal disposed of the OA with a direction to the respondents to decide the representation of the applicant. The present OA has been filed after the representation has already been disposed of.

9. We do not find any infirmity or illegality in the orders passed by the respondents in this case. The OA is devoid of merit and the same is accordingly dismissed. There shall be no order as to costs”



6.1. To our minds, the impugned order cannot be sustained, as the order is bereft of reasons. Reasons are the link between the material on record and the conclusion reached in a matter. Appraisal of the material on record, in the backdrop of contentions of the parties, is, therefore, a must. This is an exercise that the Tribunal has not, evidently, undertaken, in this case.

7. Accordingly, the impugned order dated 07.10.2020 is set aside.

7.1. The matter is remitted to the Tribunal for a fresh consideration.

7.2. The parties and their counsels will appear before the concerned bench of the Tribunal on 22.02.2022.

8. It is made clear that nothing stated hereinabove will impact the merits of the case.

9. The writ petition is disposed of in the aforesaid terms.

10. The registry will dispatch a copy of the judgment passed today to the Tribunal, albeit, *via* e-mail.

RAJIV SHAKDHER, J.

TALWANT SINGH, J.

FEBRUARY 04, 2022/nk

Click here to check corrigendum, if any