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W.P.No.5792 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.No.5792 of 2023

... Petitioner

Satheeswaran K.

-Vs-

1.The Director General
CRPF, CGO Complex
Lodhi Road
New Delhi-110 003.

2.The Inspector General Of police
Southern Sector CRPC
Road No.10 C, Jubilee Hills
Near MA/MPs Colony
Gayathri Hills
Hyderabad-500033.

3.The Deputy Inspector General of Police
Groupd Centre, CRPF
Avadi
Chennai 600 065.

4.The Commandant
Groupd Centre, CRPF
Avadi
Chennai 600 065.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Manadamus, to call for the records of the order of the 3rd respondent terminating the petitioner from service with effect from 08.02.2022 in proceedings No.D-II-1/2022-GC AVD-Estt-II dated 08.02.2022 and



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subsequent order of 2nd respondent rejecting the petitioner appeal against termination from service in proceedings No.R.XIII-7/2022-SS-Adm-7 dated 22.06.2022 and quash the same and thereby direct the respondents to re-instate the petitioner into the service of CRPF with all monetary benefits.

For Petitioner : Mrs.R.Meenakshi

For Respondents : Mr.G.Baskaran
Central Government Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 08.02.2022 terminating the petitioner from service which was confirmed in appeal by the 2nd respondent through proceedings dated 22.06.2022 and for a consequential direction to the respondents to reinstate the petitioner into service.

2.Heard Mrs.R.Meenakshi, learned counsel for the petitioner and Mr.G.Baskaran, learned Central Government Standing Counsel.

3.The case of the petitioner is that he applied for appointment to the post of Constable pursuant to the advertisement issued by the 4th respondent in the year 2018. The petitioner was selected and he reported to the GC, CRPC, Avadi and he joined duty on 10.03.2021.



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4.The 3rd respondent through proceedings dated 08.02.2022 terminated the services of the petitioner on the ground that the petitioner did not reveal about the pending criminal case when he submitted his application. Aggrieved by the same, the petitioner filed an appeal before the 2nd respondent and the 2nd respondent through proceedings dated 22.06.2022, confirmed the Order passed by the 3rd respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

5.This Court carefully went through the application that was submitted by the petitioner and which has been filed as Appendix-II along with counter affidavit filed by the respondents. Clause 15 in that application has a lot of relevance in the present case. This Clause deals with questions relating to pendency of criminal case etc. The specific case of the petitioner is that there was a criminal case against the petitioner and he faced trial in that case in SC.No.202 of 2014 and that he was acquitted from all charges by the judgment of the V Additional District Judge, Madurai, dated 20.02.2015.

6.The petitioner while filling up the application has ticked the option as follows:



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((4))

15	(a)	Have you ever been kept under detention?	Yes/No
(b)	(a)	Have you ever been arrested?	Yes/No
	(c)	Have you ever been prosecuted? (i.e. has a charge sheet in a criminal case been filed against you in any court of law)	Yes/No
	(d)	Is/are any criminal case/petition pending against you in any Court of Law at the time of time of filling up this Affidavit form?	Yes/No
	(e)	Have you ever been fined by a Court of Law?	Yes/No
	(f)	Have you ever been bonded down?	Yes/No
	(g)	Have you ever been convicted by a court of law for any offence?	Yes/No
	(h)	Whether discharged/expelled/withdrawn from any training / institution under the Government or otherwise?	Yes/No
	(i)	Have you ever been rusticated by any University or any other educational authority / institution?	Yes/No
	(j)	Have you ever been debarred/disqualified by any Public Service Commission/ Staff Selection Commission for any of its examination/selections?	Yes/No

(16) If the answer to any of the above mentioned questions is 'Yes' give full particulars of the case/arrest /Detention/In/corruption/sentence/punishment etc. and/or the nature of the case pending in the Court /University/Educational Authority etc. at the time of filling up this Form.

- Notes: (1) Please also see the "warning" at the top of this Verification Roll.
(2) Specific answers to each of the questions should be given by striking out, 'Yes' or 'No' as the case may be.



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7.The learned counsel for the petitioner submitted that insofar as Clause a, b, c, the petitioner had only ticked 'Yes' and for the other Clauses, he has ticked 'No'.

On carefully going through the application, it is seen that the tick mark of the petitioner goes well over the option 'No' even for Clauses a to c. These three Clauses are very vital since it deals with the criminal case and whether the petitioner was arrested in that case. Apart from that, if the petitioner had ticked the option 'Yes', the petitioner ought to have annexed the judgment of the criminal Court acquitting the petitioner from all charges. There is absolutely no indication that the petitioner had annexed the judgment of the criminal Court. That apart, even in the counter filed by the respondents, they have taken a very specific stand that the petitioner did not annex the judgment of the criminal Court along with the application.

8.The petitioner was making his application in a disciplined force viz., CRPF. The charge against the petitioner was for an offence under Section 302 IPC. In view of the same, the petitioner ought to have provided the correct details while submitting the application. In the absence of the same, just because the petitioner was acquitted by the criminal Court, that does not in any way bind the respondents. In any case, this Court finds that the application submitted by the petitioner did not provide the correct details.

N.ANAND VENKATESH. J.,



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9.In the light of the above discussion, this Court does not find any ground to interfere with the impugned proceedings of the 3rd respondent dated 08.02.2022 which was subsequently confirmed in appeal by the 2nd respondent through proceedings dated 22.06.2022 and accordingly, this writ petition stands dismissed.

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Index : Yes/No
Neutral Citation : Yes/No
Speaking Order : Yes /No
KP

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