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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9894/2023 & CM APPL. 38069/2023 -Stay

COMMISSIONER OF POLICE AND ANR

..... Petitioner

Through: Mr. N.K. Singh, Adv. for Mrs.
Avnish Ahlawat, SC, GNCTD.

versus

PAPENDRA SINGH

..... Respondent

Through: Ms. Rhea Verma and Mr. Rajul Jain,
Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

13.05.2024

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1. The present writ petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 23.05.2023 passed by the learned Central Administrative Tribunal (Tribunal) in Original Application (OA) No. 1815/2022. Vide the impugned order, the learned Tribunal has allowed the OA filed by the respondent/applicant by setting aside the order dated 07.07.2022 vide which his services were terminated on the ground that he had, at the time of seeking appointment in Delhi Police, concealed information regarding his involvement in a criminal case under Section 3/6 of Rajasthan Property Defacement Act, 2006 wherein, he was imposed a fine of Rs. 500/-.
2. While allowing the O.A., the learned Tribunal noted that taking into



account the trivial nature of offence committed by him, the case of the respondent was squarely covered by the decision dated 10.03.2023 of this Court in W.P (C) No. 2219/2023 titled ***Mahendra Solanki v. The commissioner of Police***. The learned Tribunal, further, observed that in a case of non-disclosure of information of past involvement in a criminal case, it is incumbent upon the employer to not only examine the nature of post but also the nature of criminal involvement i.e., whether it is of trivial nature or otherwise as also whether the offence involved is of moral turpitude. By taking into account that the respondent was found to be involved in an offence of putting posters on the walls in his village in Rajasthan, the learned Tribunal has, by following the ratio of decision in ***Mahendra Solanki (Supra)***, allowed the original application

3. In support of the petition, learned counsel for the petitioner seeks to contend that the impugned order is liable to be set aside as the learned Tribunal has failed to appreciate that once it was found that the respondent had concealed information regarding his past involvement in a criminal case, the petitioner was justified in terminating his services. He is, however, not in a position to dispute that the case of the petitioner is squarely covered by the decision in ***Mahendra Solanki (Supra)***.
4. On the other hand, learned counsel for the respondent supports the impugned order and submits that the decision of this Court in ***Mahendra Solanki (supra)*** wherein, the employee concerned was also alleged to have concealed information about his involvement in a criminal case, has already attained finality as the special leave petition



assailing the said order already stands rejected by the Apex Court.

5. Having considered the submissions of the learned counsel for the parties and perused the record, we are of the view that once the decision in *Mahendra Solanki (supra)*, on which the learned Tribunal has relied while allowing the respondent's original application, has attained finality, no ground is made out to interfere with the impugned order. Even otherwise, we find that the allegation against the respondent in the present case which pertains to defacement of walls was much more trivial as compared to the charges against the employee in *Mahendra Solanki (supra)*. We, therefore, find no infirmity in the impugned order and, accordingly, dismiss the writ petition along with the pending application.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 13, 2024

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