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

*Date of decision: 08.05.2024*

+ W.P.(C) 1345/2018, CM APPL. 5585/2018-Delay 510 days in refiling.

SATYAVEER SINGH

..... Petitioner

Through: Mr. Sachin Chauhan, Adv.

versus

DELHI TRANSPORT CORPORATION & ORS ..... Respondents

Through: Mr. Sarfaraz Khan Mirza, Mr. Amir Baig and Mr. Abdul Wahid, Advocates

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**REKHA PALLI, J (ORAL)**

1. The present petition under Articles 226 and 227 seeks to assail the order dated 03.07.2015 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No. 2358/2014. Vide the impugned order, the learned Tribunal has rejected the petitioner's challenge to the termination order dated 03.06.2013 vide which the services of the petitioner were terminated on the ground of his having concealed information about his involvement in a criminal case while applying for the post of driver in the respondent/corporation.

2. The only submission of learned counsel for the petitioner is that as by the time the petitioner applied for appointment as a driver in the



respondent/corporation, the proceedings in the criminal case against him had already been concluded with he having been granted benefit under Section 4 of the Probation of Offenders Act, 1958. The petitioner was, therefore, under a bona fide belief that there was no requirement for him to mention about his earlier involvement in the criminal case where he had been granted benefit under the Probation of Offenders Act. He, therefore, contends that merely on account of the petitioner withholding information about his earlier involvement in a criminal case, the respondents could not have taken the extreme step of terminating him from service. His prayer being that the respondents were at least required to consider the petitioner's explanation as also the nature of the criminal case and then decide whether it was a fit case for terminating his services.

3. In support of his plea, Mr. Chauhan by placing reliance on the decision of the Apex Court in *Avtar Singh vs. Union of India* (2016) 8 SCC 471 and on a decision dated 10.03.2023 of a Co-ordinate Bench in *Mahendra Solanki vs. Commissioner of Police* 2023 SCC OnLine Del 1423, contends that the respondents were required to apply an objective criteria and consider all the facts and circumstances like the age of the petitioner, nature of offence and his antecedents before hurriedly passing an order of termination against him. He, therefore, prays that the impugned order be set aside and the matter be remanded to the respondents for reconsidering the petitioner's case in the light of the guidelines issued by the Apex Court in *Avtar Singh*(supra).

4. Issue notice. Mr. Sarfaraz Khan Mirza accepts notice and supports the impugned order by contending that the petitioner having concealed material information regarding his involvement in the criminal case, he deserves no



sympathy or indulgence from this Court. He, therefore, prays that the writ petition be dismissed.

5. Having considered the submissions of learned counsel for the parties and perused the impugned order as also the termination order alongwith the appellate order passed by the respondents, we find that the respondents have terminated the services of the petitioner in a mechanical manner on the sole ground of non-disclosure about his involvement in the criminal case. The respondents have neither taken into account the circumstances under which the said case was registered against him nor taken into account the fact that he was granted benefit under Section 4 of the Probation of Offenders Act. We are of the view, that inspite of the concealment of facts regarding his involvement in criminal case by the petitioner, the respondents were still required to consider all the attending facts and circumstances before mechanically passing the termination order. Further, from the manner in which the petitioner's services were terminated, it is evident that the respondents have failed to consider the matter as per the guidelines issued by the Apex Court in *Avtar Singh*(supra). The learned Tribunal also appears to have glossed over this aspect and has overlooked the fact that the petitioner was terminated from service simply on the ground of concealment of information without their being any evaluation as to the nature of offence, antecedents, etc.

6. For the aforesaid reasons, we set aside the impugned order alongwith the appellate order dated 21.03.2014 and the termination order dated 03.06.2013 passed by the respondents and remand the matter back to the disciplinary authority to consider the case of the petitioner by taking into account the principles laid down in *Avtar Singh* (supra) and *Mahendra*



*Solanki*(supra). It is, however, made clear that there will be no requirement to reinstate the petitioner for the purposes of passing a fresh order by the disciplinary authority.

7. A fresh order in terms of these directions be passed by the respondent within a period of eight weeks. In case, the respondents decide to reinstate the petitioner, an appropriate order regarding backwages and other service benefits will be passed simultaneously. However, in case, the respondents decide otherwise, it will be open for the petitioner to assail the said order as per law.

8. The writ petition, alongwith the pending applications, is allowed in the aforesaid terms.

**(REKHA PALLI)**  
**JUDGE**

**(SAURABH BANERJEE)**  
**JUDGE**

**MAY 8, 2024/rr**