

2025.PHHC.004425



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

212

CWP-7022-2019
Date of Decision: 13.01.2025

SUKHVEER

... Petitioner

VERSUS

UNION OF INDIA AND ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Akash Kundu, Advocate
for the petitioner.

Ms. Anita Balyan, Sr. Panel Counsel
for respondents No.1 and 2.

VINOD S. BHARDWAJ, J. (ORAL)

Challenging the order dated 23.12.2016 (Annexure P-5), whereby the claim of the petitioner for reinstatement in service was rejected, the petitioner has approached this Court.

Learned counsel for the petitioner contends that the petitioner was appointed as Constable/GD on 20.12.2012 in Sashastra Seema Bal (hereinafter referred to as 'SSB') and allotted 60th Battalion vide FHQ, SSB, New Delhi memorandum No.2/31/12/SSB(SSP)/Rectt(GD)/Pers-II/44821-44823 dated 27.11.2012. On having been selected and appointed to the said post, he was sent for training at RTC SSB, Alwar (Rajasthan). Each recruited candidate was required to submit a 'form of enrollment'. The same was filled up and submitted by him on 18.03.2013. Paragraph No.12 of the said 'form of enrollment' sought information about the criminal proceedings, if any. A

candidate was required to declare as to whether he has ever been prosecuted or not, to which, he submitted his answer as “No”, even though the petitioner was an accused in case FIR No.80 dated 28.02.2012 registered under Sections 323 and 325 read with Section 34 IPC at Police Station Mohindergarh on the statement of one Madu Ram. The petitioner was attributed a simple injury with a lathi on the elbow of the injured whereas the injury attracting Section 325 of the IPC was attributed to the co-accused. A compromise had been entered into between the parties and had been placed for consideration and acceptance by the SDJM, Mohindergarh on 01.07.2013. The same was accepted and the offences were permitted to be compounded, in view of the statement of injured/complainant Madu Ram. The petitioner thus stood acquitted of the charges framed against him. However, when the antecedents of the petitioner were got verified from the police, the discrepancy was noticed. The petitioner was alleged to be guilty of concealment of the required information, whereupon a show cause notice was served upon him to explain as to why his services be not terminated on account of such suppression. The petitioner submitted his detailed reply, but on consideration thereof, the Competent Authority passed an order dated 04.11.2013 terminating the services of the petitioner.

The said order was challenged by the petitioner in CWP No.2951 of 2014. Vide its judgment dated 22.09.2016, the writ petition was allowed and the order of termination dated 04.11.2013 was set aside. The respondents were directed to reconsider the claim of the petitioner and to pass a fresh speaking order after due consideration of the principles laid down in the case of ***Avtar Singh Versus Union of India*** reported as ***(2016) 7 JT Page 300***. A Single Bench thus specifically noticed that the case of the petitioner fell within the

parameters prescribed in paragraph 30(4) of the said judgment but the same were not taken into consideration by the Competent Authority while passing the order of termination of services of the petitioner.

Despite the matter having been remanded, no such order was passed, whereupon the petitioner preferred COCP No.764 of 2017. During the pendency of the said contempt petition, it was apprised by the respondents that the Competent Authority had already passed an order terminating the services of the petitioner on 23.12.2016 and copy thereof was handed over to the petitioner in the contempt proceedings. Hence, instant writ petition has been filed thereafter on receipt of the order.

Learned counsel for the petitioner contends that the Competent Authority has ordered termination of services of the petitioner on the ground that there had been concealment of vital information, and an incorrect declaration had been made by the petitioner while filling up the 'form of enrollment' and in breach of the requirement prescribed in the offer/letter of appointment. Such suppression casts a doubt upon the integrity and truthfulness of the petitioner and the same not being of highest credence and accordingly, the services of the petitioner were terminated since he was not found suitable for appointment in the CAPF. The operative part of the order of termination passed by the Deputy Inspector General (Personnel) SSB is extracted as under:

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“AND WHEREAS, Rule 23 of SSB Rules 2009, stipulates that "The Central Government, or as the case may be, the authority as specified in rule 18, may terminate the service of a person subject to the Act on grounds of furnishing false or incorrect information at the time of appointment of that person in the service and a show

cause notice giving one month's time shall be issued to the individual before termination of his service.

AND WHEREAS, on receipt of Character & Antecedents verification report from District Magistrate Mohindergarh (Haryana), Commandant, 60th Bn. in terms of Rule-23 of SSB Rules 2009 has issued Show Cause Notice dated 28.09.2013 to the petitioner proposing therein the penalty of his termination from Govt service for furnishing, false information at the time of his enrollment.

AND WHEREAS, Ex RCT(GD) Sukhveer had replied to Show Cause Notice vide his application dated 21.10.2013 enclosing therewith copy of order dated 01.07.2013 of his acquittal from the charges leveled against him issued by the Hon'ble Court. The explanation submitted by him was examined by Commandant, 60th Bn. carefully and found that the petitioner failed to submit any justifiable documents or proof of his innocence for concealing the facts at the time of his enrollment and imposed the penalty of "Termination from Service" upon him w.e.f. 4.11.2013 vide order No.1/60th Bn/Estt/PF-SK/II/2012-25 dated 04.11.2013, by exercising the powers conferred upon him under Rule-18 (iv) of SSB Rules 2009 for furnishing false information by the petitioner at the time of his enrollment and willful concealment of the facts

AND WHEREAS, the Court decided the Criminal case No. 80 dated 28.02.2012 registered against the petitioner in Police Station Mohindergarh (Haryana) under Section 323, 325 and 34 IPC vide judgment dated 01.07.2013 based on an application moved by the accused and complainant for compounding the offences on compromise and accordingly the petitioner was acquitted. Such acquittal at a later stage does not absolve the petitioner of the misconduct that he had furnished false information about the criminal case contemplated against him in the court of law before his enrollment and willfully concealed the facts. It is also pertinent

to mention here that the petitioner has suppressed twice about the pendency of the criminal case viz. firstly while filling up the Recruitment Roll/Form and secondly while filling up the Verification Roll which cannot be coincidental and thus cannot be ignored or condoned.

AND WHEREAS, after having been aggrieved by the order of his termination from service, the petitioner, preferred an appeal dated 05.06.2014 to DIG, SHQ Tezpur, which was rejected being devoid of merit and time barred after its due examination vide order No. II/ESTT/SHQ-TZP/Disp/60th Bn/14/-7514-17 dated 12.08.2014 the appellate authority had upheld the sentence of his "Termination from service" awarded by Commandant, 60th Bn. vide order dated 04.11.2013.

NOW THEREFORE, in compliance of the order of the Hon'ble Court, the claim of the petitioner has been re-examined carefully with reference to the instructions/rules in vogue and found that the petitioner was required to furnish the correct information to the appointing authority at the time of his enrollment while filling up the Recruitment Roll/Form and Verification Roll, as per the requirements prescribed in the Offer of Appointment issued to the petitioner, but he suppressed the facts about criminal Case No. 80 of 2012 registered against him u/s 323, 325 & 34 IPC which is unbecoming of a true member of the Force, wherein integrity and truthfulness are the highest credentials. It was further reiterated and clarified in Para- 6,7 & 8 of Offer of appointment that if any adverse report comes into the notice through local administration/police authorities, the services of the petitioner would be terminated without assigning any reason. Thus the appointment of petitioner was subject to the fulfilment of certain terms & conditions as prescribed in the offer of appointment, which he failed to adhere. Further, the offence committed by the petitioner u/s 325 of IPC is a serious offence and Para-2 (III) (V)

of MHA guidelines dated 01.02.2012 stipulates that" Candidate against whom charge sheet in a criminal case has been filed in the Court and the charges fall in the category of serious offence or moral turpitude, though later on acquitted by extending benefit of doubt or acquitted for the reasons that the witness have turned hostile due to fear of reprisal. by the accused person(s), he/she generally not be considered suitable for appointment in the CAPF. Hence the claim of the petitioner is not covered under the present rules and instructions and hence rejected being devoid of merit.

This issues with approval of the Director General, SSB."

Learned counsel for the petitioner contends that the petitioner was attributed a simple injury on the right elbow of the injured and had not been attributed the grievous injury that was on the little finger of the complainant-injured and that he was roped in as an accused with the aid of Section 34 of the IPC for the commission of said offence. He acknowledges that there was a misdeclaration made by the petitioner while submitting the form of enrollment, however, the same was under the socio-economic circumstances of the petitioner and overpowering fear of losing out a career despite having succeeded in securing an employment after having cleared the physical and written examination conducted by the Competent Authority.

He submits that the order of termination of services of the petitioner was earlier set aside by a Single Bench of this Court and respondents were directed to take a fresh decision but the relevant factors as laid down by the Hon'ble Supreme Court in the Judgment of **Avtar Singh (Supra)** have still not been taken into consideration by the Competent Authority. It is stated that there was no case of moral turpitude against the petitioner and that the offence having already been compounded due to settlement amongst the parties, the

said aspect too ought to have been taken into consideration. He submits that there is no other involvement of the petitioner in any other case and that a minor scuffle had taken place in the heat of the moment and that too at a tender age when the petitioner was 22 years old. The same would not necessarily reflect upon the integrity of the writ petitioner or about his truthfulness. He submits that the principles laid down in the judgment of **Avtar Singh (Supra)** were reiterated by the Hon'ble Supreme Court in the matter of **Ravindra Kumar Vs. State of U.P. and others** reported as **(2024) 1 Law Herald (SC) 369**. It was held by the Hon'ble Supreme Court that a fact about non-disclosure of a criminal case at the time of seeking employment would be determined as regards its impact and fatality on the nature of office, the timing and nature of criminal case, the overall consideration of the judgment of acquittal, the nature of query in the application/verification form, the contents of the character verification reports, the socio-economic strata of the individual applying as well as other antecedents of the candidate amongst various other crucial aspects, which should enter the judicial verdict in adjudging suitability and in determining the nature of relief to be ordered. The operative part of the aforesaid judgment passed by the Hon'ble Court, after taking into consideration the parameters laid down in the judgment of **Avtar Singh (Supra)**, is extracted as under: -

“18. As the facts reveal, admittedly on 12.02.2004, when the appellant applied for the post of Constable, there was no criminal case registered or pending. Five days after submitting the application, no doubt, he was embroiled in a criminal case which has since resulted in an acquittal by the trial court, vide order dated 13.09.2004, and no appeal was filed against the same. There is no dispute that under Clause 9 of the recruitment notification dated 20.01.2004, he was required to furnish an Affidavit in the

format given by the Selection Committee. It is also specifically mentioned in Clause 9 that if it is found that facts have been concealed in the Affidavit the selection of the candidate is liable for cancellation. As will be seen from paras 4, 5, 6 and 7 of the affidavit, information (though somewhat repetitive) was sought. It did obligate the candidate to disclose any criminal case which was registered against him; any arrest made in the past, the details of the cases which were pending and, most importantly, the details of acquittals were also called for. It is also an undisputed fact that the appellant said 'No' to each of these queries. The appellant's explanation is that since he was acquitted, he bona fide believed that he was only obliged to give details of any pending proceedings.

19. The State had taken the position that Clause 9 of the recruitment notification and the queries in the affidavit were quite clear and that there being suppression, the cancellation was perfectly justified.

20. The law on this issue is settled by a three-Judge Bench of this Court in Avtar Singh (Supra). Paras 34, 35, 36 & 38, which sets out the conclusions, are extracted herein below:-

“34. No doubt about it that verification of character and antecedents is one of the important criteria to assess suitability and it is open to employer to adjudge antecedents of the incumbent, but ultimate action should be based upon objective criteria on due consideration of all relevant aspects.

35. Suppression of “material” information presupposes that what is suppressed that “matters” not every technical or trivial matter. The employer has to act on due consideration of rules/instructions, if any, in exercise of powers in order to cancel candidature or for terminating the services of employee. Though a person who has suppressed the material

information cannot claim unfettered right for appointment or continuity in service but he has a right not to be dealt with arbitrarily and exercise of power has to be in reasonable manner with objectivity having due regard to facts of cases.

36. What yardstick is to be applied has to depend upon the nature of post, higher post would involve more rigorous criteria for all services, not only to uniformed service. For lower posts which are not sensitive, nature of duties, impact of suppression on suitability has to be considered by authorities concerned considering post/nature of duties/services and power has to be exercised on due consideration of various aspects.

38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of the aforesaid discussion, we summarise our conclusion thus:

38.1. Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

38.2. While passing order of termination of services or cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information.

38.3. The employer shall take into consideration the government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

38.4. In case there is suppression or false information of involvement in a criminal case where conviction or acquittal

had already been recorded before filling of the application/verification form and such fact later comes to knowledge of employer, any of the following recourses appropriate to the case may be adopted:

38.4.1. In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.

38.4.2. Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

38.4.3. If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.

38.5. In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate.

38.6. In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion, may appoint the candidate subject to decision of such case.

38.7. *In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.*

38.8. *If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.*

38.9. *In case the employee is confirmed in service, holding departmental enquiry would be necessary before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.*

38.10. *For determining suppression or false information attestation/ verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.*

38.11. *Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him.*

(Emphasis supplied).”

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28. The nature of the office, the timing and nature of the criminal case; the overall consideration of the judgement of acquittal; the nature of the query in the application/verification form; the contents of the character verification reports; the socio economic strata of the individual applying; the other antecedents of the candidate; the nature of consideration and the contents of the cancellation/termination order are some of the crucial aspects which should enter the judicial verdict in adjudging suitability and in determining the nature of relief to be ordered.

He contends that the conclusions set out by a Three Judges Bench of the Hon'ble Supreme Court in the matter of **Avtar Singh (Supra)** although recognized the importance of verification of character and antecedents as an important criterion to assess suitability and to adjudge antecedents of an incumbent, however, it also ruled that the ultimate action should be based upon objective criteria and on due consideration of all the relevant aspects. It was also held that even though a person who has suppressed the material information cannot claim an unfettered right for appointment or continuity in service, but he has a right not to be dealt with arbitrarily and exercise of the power in a reasonable manner with objectivity having due regard to the facts of each case. The yardstick to be applied also depends upon the nature of the post. While a higher post would involve a more rigorous criteria for all services, for a post in a lower/lowest cadre, the Authority is required to take into consideration the overall impact thereof. The special circumstances of a candidate giving false information may also be taken note of by the employer alongwith the fact as to

whether the acquittal has been recorded in an offence of moral turpitude or of serious or heinous nature on a mere technical ground.

He submits that in the present case, the parameters as laid down by the Hon'ble Supreme Court in the matter of *Avtar Singh (Supra)* and the special circumstances pertaining to the socio-economic background of the petitioner as also his young age and that too for a minor allegation attracting Section 323 IPC at the most, have not been taken into consideration by the Authorities. Besides, the petitioner was being inducted at the lowest cadre in the service, therefore, such a rigorous application of the discretionary power should not be made so as to oust the petitioner from re-entering the mainstream. He contends that the rehabilitation measures and objectives mandate that a person should not be incarcerated merely for having been involved in some petty offence in a young age and never thereafter and that every person deserves a second chance to establish his integrity and potential to re-enter the society. He further submits that apart from the one stray incident noticed above, there has also been no involvement of the petitioner in any other offence of any nature whatsoever, despite a lapse of period of nearly ten years since the order of termination had been passed at the first instance.

Counsel for the respondents, on the other hand, contends that the undisputed facts of the present case clearly establish that the petitioner was named as an accused in FIR No.80 dated 28.02.2012 registered under Sections 323 and 325 read with Section 34 IPC at Police Station Mohindergarh and the criminal trial was pending before the SDJM, Mohindergarh when the form for enrollment and verification forms were submitted by the petitioner. There had been a concealment of the information specifically asked for by the respondents

and it was only when a police verification report was received that the aforesaid misdeclaration came to light. She contends that as per Rule 23 of the SSB Rules, 2009, the Competent Authority may terminate the services of a person on the ground of furnishing false or incorrect information at the time of appointment. The said Rule is extracted as under:

“The Central Government, or as the case may be, the authority as specified in rule 18, may terminate the services of a person subject to the Act on grounds of furnishing false or incorrect information at the time of appointment of that person in the service and a show cause notice giving one month’s time shall be issued to the individual before termination of his service.”

It is contended that since the petitioner made a misdeclaration against a specific query posed in Column No.12 of Form of Enrollment, hence, the said charge stands duly established and that exercising its powers under Rule 23 of the SSB Rules, 2009, the Authority has applied its mind to the facts of the present case in light of the judgment of the Hon’ble Supreme Court in the matter of ***Avtar Singh (Supra)*** and the order of termination of the petitioner has been upheld. She contends that the discretion is left with the employer as to whether a particular person is to be continued in service or not and that such decision having been taken, there is no illegality or impropriety in the said order. She also places reliance on the judgment of the Hon’ble Supreme Court in the matter of ***State of West Bengal Vs. Mitul Kumar Jana***, reported as ***(2023) 5 SLR 794***. In the said judgment the order setting aside of termination of service of the respondent was upheld by the Hon’ble Supreme Court. She, however, contends that the said order setting aside order of termination was upheld for the reason that there was no specific column in the declaration form

that was required to be filled up in the abovesaid case, whereas in the case in hand, there was a specific column requiring such a declaration to be made and that a misdeclaration has still been made by the petitioner.

No other argument has been addressed or judgment cited by either of the parties.

A specific query was put to the counsel for the respondent-SSB by this Court that on a plain reading, language of Rule 23 of the SSB Rules, 2009 stipulates that it is the discretion of the employer as to whether a person is to be continued on a post, when he is guilty of furnishing false or incorrect information, and as to whether such a discretion has ever been exercised in favour of an employee having given false or incorrect information by allowing him to continue in service, counsel feigns ignorance.

Having heard learned counsel for the parties and having gone through the documents available on record, the undisputed facts that emerge are that a criminal case had been registered against the petitioner at the time when the form of enrollment as well as the verification form was filled by him. It is also not in dispute that it was after the issuance of the show cause notice that the compromise had been entered into and the offence against the petitioner had been compounded. The criminal proceedings against the petitioner were dropped and he stood acquitted of the charges framed against him.

Further, there is no rebuttal to controvert the specific submission made by the counsel for the petitioner that he was attributed an overt act of causing a simple injury on the elbow of the injured, whereas the injury attracting Section 325 of IPC was attributed to the co-accused. The said aspect may be of material significance in the present case considering that in the

guidelines issued by the Union of India pertaining to serious offences against a body, Section 323 IPC does not find a mention and only Section 325 of IPC is provided thereunder.

This Court is also conscious of the fact that even though an applicant submitting an application for being appointed against a post is required to make an honest declaration regarding his antecedents, as may become relevant for assessing the suitability of a person, however, it is also required to be taken into consideration all the factors laid down in the judgment of *Avtar Singh (Supra)*.

Besides, there has been no other case or allegation of any criminal antecedents or involvement of the petitioner. Additionally, the socio-economic criteria and background of an applicant also needs to be taken into account to ascertain his mindset and approach towards withholding of an information. Such withholding of information, under the given socio-economic circumstances of the petitioner was seemingly not an act to commit concealment but was rather perpetuated by an anxiety to secure a job for upliftment of the family and for earning an honourable bread and butter.

It is also noticed that the recruitment of the petitioner is at the lowest post in SSB and he is not required to take supervisory/controlling decisions. In the nature of duties to be performed by him, he is required to perform compliance of the orders issued to him by the Competent Authority and has no implication in any policy matters. Such an aberration in disclosure may under exceptional circumstances be considered sympathetically, in the background of the compelling socio-economic circumstances.

Further, a perusal of Rule 23 of SSB Rules, 2009 shows the said Rule confers a discretion with the authority as to whether the services of a particular person are to be terminated or not and that it is not a mandatory provision. Hence, Rule itself leaves scope for continuance and to examine candidature of each person and his possibility of re-integration in the mainstream of the society. As a restitutive and rehabilitative measure, any stray act of involvement in any minor scuffle should not ordinarily stand in the way of a person for his entire life.

Still further, the Government of India, Ministry of Home Affairs has issued the policy guidelines for considering case of candidates for appointment in CAPFs vide Folio No.I-45020/6/2010-Pers.II dated 01.02.2012 wherein the circumstances in which a candidate would not be considered for recruitment have been prescribed in Clauses 2(II) and (III). The proviso thereto has a vital significance. The said clause is extracted hereinafter below:-

“2. Accordingly, the matter has been considered in this Ministry in consultation with CAPFs, and it has been decided as follows:

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(II) If a candidate does not disclose his/her involvement and/or arrest in criminal case(s), complaint case(s), preventive proceedings etc. under IPC or any other Act of the Central or State Government in the application form but discloses the same during medical examination/PET and/or in the attestation/verification form, in writing, the candidature will not be cancelled on this ground alone.

III) The candidate will not be considered for recruitment if:

a) Such involvement/case/arrest is concerned with an offence mentioned in Annexure-A

- b) *Such arrest/detention is made under any of the Acts which are concerned with security and integrity of the country, terrorist and disruptive activities, acts against the state, insurgency, etc.*
- c) *The candidate has been detained under the National Security Act/Crime Control Act/any similar legislation, and the same is confirmed by the reviewing authority.*
- d) *Such involvement/case arrest is concerned with an offence involving moral turpitude:*
- e) *He/She has been convicted by a court in any case whether or not an appeal is pending against such conviction.*

Provided that the candidate shall not be barred in the above case, if only an FIR has been registered/ the case is under investigation and no charges have been framed either on FIR or on the complaint in any Court of Law.

Provided further that the candidate shall not be debarred if he/she has been finally acquitted/discharged by a Court, whether an appeal is pending or not against such acquittal.

Provided further that the candidate shall not be debarred if the proceedings are withdrawn by the Central/State Government.

Provided further that the candidate shall not be debarred if he/she has been involved/convicted/concerned with minor offences mention in Annexure-B or those mentioned in Chapter VIII & X of Criminal Procedure, 1973.”

It is evident that a candidate is not to be debarred for being considered for recruitment if he or she has been acquitted or discharged by the Court notwithstanding pendency of an appeal against acquittal. The aforesaid proviso does not mandate that the acquittal/discharge must exist as on the date when the form of enrollment is submitted rather, emphasizes on the criminal

proceedings being finally resulting in acquittal/ discharge. In the absence of any such specific stage being prescribed, the interpretation to the benefit of the employee (petitioner herein) can be safely adopted. Significantly, the said guidelines were issued on 01.02.2012 whereas the appointment as well as the relieving of the petitioner was much beyond the issuance of the aforesaid guidelines but the authorities have failed to take note of these policy guidelines.

Under the given circumstances and taking into consideration the totality of the facts noticed above as also the principles laid down by the Hon'ble Supreme Court in the matter of *Avtar Singh (Supra)* and as reiterated in the recent judgment of *Ravindra Kumar Versus State of U.P. and Others* reported as **(2024) 1 Law Herald (SC) 369**, I deem it appropriate to set aside the order dated 23.12.2016 (Annexure P-5) passed by Deputy Inspector General (Personnel), Sashastra Seema Bal terminating the services of the petitioner, being extreme and proportionately harsh.

As a necessary consequence thereof, the respondents are directed to re-appoint the petitioner into the service, subject to the petitioner fulfilling medical fitness and physical fitness as prescribed by the respondent-Authorities. The petitioner shall not be paid any arrears for the period till the date of his re-joining but shall however be entitled to the notional consequential benefits for the aforesaid period except that the same shall not be counted as experience for his future consideration towards seniority and promotion.

It is further clarified that even though the instant petition was filed in the year 2019, however, on account of outbreak of COVID-19 pandemic, the same could not be heard and adjudicated expeditiously. Hence, the delay in

adjudication of the present petition thus is not being allowed to stand in the way of an equitable relief to be granted to the petitioner.

The petition stands partly allowed in terms as aforesaid.

JANUARY 13, 2025.
rajender

(VINOD S. BHARDWAJ)
JUDGE

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