



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-30351-2025 (O&M)
Date of decision: 11.11.2025

Gurwinder Singh

....Petitioner

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parveen Kuamr Garg, Advocate
for the petitioner.

Ms. Jyotnoor Kaur Sethi, Advocate
for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of *certiorari* for quashing of impugned order dated 22.07.2025 (Annexure P-6) whereby the petitioner was removed from service.

2. Learned counsel for the petitioner contends that in the month of December, 2023 an advertisement was issued by the respondents regarding recruitment to the post of Assistant Lineman. There was no mention in the said advertisement that the applicant should not have a criminal case pending against them. Therefore, being eligible, the petitioner applied for the said post online, which also did not contain any column for declaration of any pending case against the applicant. Ultimately, the petitioner was selected and offered



appointment as Assistant Lineman vide letter dated 25.11.2024 (Annexure P-3). Thereafter, the petitioner joined service and had been diligently performing his duties when he was issued a show cause notice seeking clarification regarding the concealment of a criminal case pending against him. The petitioner was falsely involved in FIR No.49 dated 26.04.2023 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Longowal claiming that a non-commercial quantity of 210 tablets of Alprazolam was recovered from him. However, he has been released on bail vide order dated 30.05.2023 (Annexure P-1) passed by the learned Special Court, Sangrur. Learned counsel places reliance on the judgment rendered by the Hon'ble Supreme Court in ***Avtar Singh vs. Union of India and others (2016) 8 SCC 471*** and contends that at no stage during the recruitment process was the petitioner asked to indicate any criminal antecedents, therefore, it cannot be claimed that he has intentionally suppressed information. As such, the petitioner has been arbitrarily and unjustly removed from service vide impugned order dated 22.07.2025 (Annexure P-6).

3. *Per contra*, learned counsel for the respondents submits that the case of the petitioner was sent to the Deputy Commissioner, Sangrur for verification of his past conduct. Upon verification by the Senior Superintendent of Police, Sangrur, it was discovered that the petitioner was involved in FIR (supra) and a final report dated 04.09.2023 has also been submitted in this regard. While applying for



the post of Assistant Lineman, the petitioner had declared that he is not involved in any criminal case. As such, he had consciously suppressed relevant information which resulted in termination of his services.

4. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the FIR (supra) was registered against the petitioner on 26.04.2023. The advertisement for the post of Assistant Lineman was issued on 15.12.2023 (Annexure P-2). The application form available on the online platform contains the following declaration:

*“I hereby declare that the particulars filled are true, correct and complete to the best of my knowledge and belief and nothing has been concealed. In case any of the information declared/furnished by me is found to be false, incorrect or misleading at any stage, I shall have no claim against rejection/cancellation of my candidature and/or taking other legal action as deemed fit by PSPCL. **I further declare that I am not involved in any criminal case and/or no such case is pending against me in any court of law.**”*

5. A three-Judge bench of the Hon'ble Supreme Court in *Avtar Singh(supra)*, speaking through Justice Arun Mishra, culled out the following legal principles while dealing with the issue of concealment of information by a job applicant:

“38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of 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 recourse 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 suppression veri or suggestio falsi, knowledge of the fact must be attributable to him.”

(emphasis added)

6. Further, a two-Judge bench of the Hon’ble Supreme Court in ***Satish Chandra Yadav vs. Union of India (2023) 7 SCC 536***, speaking through Justice J.B. Pardiwala, issued the following guidelines in this regard:

“93. In such circumstances, we undertook some exercise to shortlist the broad principles of law which should be made



applicable to the litigations of the present nature. The principles are as follows:

93.1. Each case should be scrutinised thoroughly by the public employer concerned, through its designated officials-more so, in the case of recruitment for the police force, who are under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society's security. [See Raj Kumar (supra)]

93.2. Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.

93.3. The suppression of material information and making a false statement in the verification Form relating to arrest, prosecution, conviction etc., has a clear bearing on the character, conduct and antecedents of the employee. If it is found that the employee had suppressed or given false information in regard to the matters having a bearing on his fitness or suitability to the post, he can be terminated from service.

93.4. The generalisations about the youth, career prospects and age of the candidates leading to condonation of the offenders' conduct, should not enter the judicial verdict and should be avoided.

93.5. The Court should inquire whether the Authority concerned whose action is being challenged acted mala fide.

93.6. Is there any element of bias in the decision of the Authority?

93.7. Whether the procedure of inquiry adopted by the Authority concerned was fair and reasonable?"

(emphasis added)

7. The factum of registration of the FIR (supra) occurred before the petitioner applied for the job of Assistant Lineman in



pursuance of the advertisement (supra). The petitioner is the prime accused in a matter pertaining to the NDPS Act as 210 tablets of Alprazolam were recovered from him. In fact, he was admitted to interim bail vide order dated 30.05.2023 (Annexure P-1), much prior to applying for the said position. Further, the online application form could only be submitted after declaring that no criminal case was pending against the applicant. Since the petitioner chose to submit the application form in spite of being aware that a declaration with respect to his antecedents is a part and parcel of it, an element of intentionality is bestowed on the matter and thus, it can be reasonably concluded that the concealment of his criminal antecedents was willful. Therefore, this Court is of the considered opinion that the respondents have not demonstrated any arbitrary and illegal conduct in terminating the services of the petitioner, especially considering the serious nature of the allegations levelled against him in FIR (supra).

8. In view of the discussion above, the present petition is dismissed being bereft of any merit.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.11.2025
yakub

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