



2025:DHC:11275-DB



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

+ **W.P.(C) 7792/2022**

EX. CONSTABLE/GD SURESH KUMARPetitioner
Through: **Mr. Subhasish Mohanty, Adv.**

versus

**CENTRAL INDUSTRIAL
SECURITY FORCE AND ORS.**Respondents
Through: **Mr. Tanveer Ahmed Ansari,
SPC**

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% **11.12.2025**

C. HARI SHANKAR, J.

1. This writ petition is directed against order dated 12 December 2019, whereby the petitioner was removed from the services of the Central Industrial Security Force¹ as well as order dated 4 March 2020 dismissing the appeal of the petitioner thereagainst, and the subsequent order dated 23 November 2020 rejecting his revision petition. A subsequent representation by the petitioner for reinstatement was also dismissed by the Director General of the CISF on 9 January 2022.

2. Our task in this case is facilitated by the fact that the entire case against the petitioner, as it commenced from Memorandum dated 18



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June 2019, whereby disciplinary proceedings were initiated against the petitioner, were *ex facie* misconceived.

3. By the aforesaid charge sheet, the petitioner was informed that disciplinary proceedings in terms of Rule 36 of the CISF Rules, 2001 were proposed to be initiated against him and he was permitted to represent thereagainst. There was only one article of charge against the petitioner, which read thus:

“Article of Charge – 01

“The FIR No. 426/10 dated 30/12/2010 was filed in the case under Section 420, 468 and 471 IPC in the Police Station IP Estate, against the Force No. 130804172 Constable/GD Suresh Kumar, CISF Unit GAIL Vijaypur, Guna (Under the administrative control of the CISF unit BHEL Bhopal) for submitting the fake Driving Licence by him during the recruitment to the post of Driver in Delhi Police in the year 2009. This fact of the serious nature was suppressed by the member of the force at the time of appointment to the post of Constable/GD in CISF in the year 2013. Therefore, since the Constable/GD Suresh Kumar is member of a disciplined armed force, this act of him amounts to gross misconduct towards his duties and breach of trust. Hence, the charge.”

Sd/-
(Vartul Singh)
Senior Commandant
CISF Unit Bhel, Bhopal.”

4. The statement of imputation of misconduct, supporting the aforesaid article of charge read as under:

“Article of charge No. 01

“The Driving Licence No. 2367/R/08-09 dated 27/07/2009, for driving the heavy vehicle, was submitted by Force No. 130804172 Constable/GD Suresh Kumar, CISF Unit GAIL Vijaypur, Guna (Under the administrative control of the CISF unit BHEL Bhopal),

Signature Not Verified

Digitally Signed By: AWP.(C) 7792/2022
KUMAR
Signing Date: 17.12.2025
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during the recruitment to the post of Driver in Delhi Police in the year 2009. After verification of the Driving Licence was conducted during the recruitment, he was not recruited in the Delhi Police after finding that the Driving Licence was fake. As a result of submitting the fake Driving Licence by the member of the force, the FIR No. 426/10 dated 30/12/2010 was registered against him in the Police Station IP Estate, Delhi, in the case under Section-420, 468 and 471 IPC. This fact of serious nature was suppressed by the member of the force at the time of appointment to the post of Constable/GD in CISF in the year 2013. When the matter came to light, the member of the force expressed his ignorance, in the Preliminary questionnaire, about any FIR filed by the police or any police investigation, whereas when the Delhi Police Sub Inspector Uttam Kumar, DIU/CENTRAL DISTRICT was contacted, the documents like the notice dated 13/12/2011, notice dated 14/04/2012 and the notice dated 27/08/2012 issued by the Delhi Police for investigation, were provided by him. In those documents, the signature have been done by the member of the force on the Acknowledgement for the same, the statement made by him in this regard on 01/09/2011 and on the Acknowledgement of the SEIZURE MEMO on 01/09/2011 itself. From the same, it is clear that the member of the force was very much aware about the FIR registered by the Delhi Police and the police investigation against him in it. The case regarding submission of the fake Driving Licence by the member of the force is still pending and the police investigation is in progress. During the pendency of this case, this fact of serious nature was not revealed by the member of the force at the time of appointment to the post of Constable/GD in CISF during the year 2013, and even in the questions asked in the Column No- 12 of the Attestation Form or any other medium. Therefore, the above act of the Constable/GD Suresh Kumar, who is a member of a disciplined armed force, amounts to gross misconduct towards his duty and fraud. Hence the charge.”

Sd/-
(Vartul Singh)
Senior Commandant
CISF Unit Bhel, Bhopal”

5. The case against the petitioner was, therefore, that, at the time of filling up of his Attestation Form in Column 12 while applying for appointment as Constable, the petitioner had concealed the fact that FIR 426/10 had been registered against him.



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6. On perusal of the various entries in Column 12 of the Attestation Form, however, it is apparent that there is no entry which calls upon the candidate to disclose whether any FIR was pending against him. We may reproduce the various entries of the Attestation Form, thus:

- | | |
|---|----|
| “12.(a) Have you ever been arrested? | No |
| (b) Have you ever been prosecuted? | No |
| (c) Have you ever been kept under detention? | No |
| (d) Have you ever been bound down? | No |
| (e) Have you ever been fined by Court of Law? | No |
| (f) Have you ever been convicted by a Court of Law for any offence? | No |
| (g) Have you ever been debarred from any examination or rusticated by any University or any other Educational Authority/Institution | No |
| (h) Have you ever been debarred/disqualified by any Public Service Commission for any of its examinations/selection? | No |
| (i) Is any case pending against you in any Court of law at the time of filling up this Attestation Form? | No |
| (j) Is any case pending against you in any University or any other Educational Authority/Institution at the time of filling up this Attestation Form? | No |
| (k) Whether discharged/expelled/withdrawn from any Training Institution under the Government or otherwise? | No |

If the answer to any of the above mentioned question is ‘Yes’ give full particulars of the case/ arrest/ detention/ fine conviction /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.

- Note: (i) Please also see the “waring” at the top of this Attestation Form.
- (ii) Specific answers to each of the questions should be given by striking out ‘Yes’ or ‘No’ as the case may be.

- (l) “Are you or have you ever been a member of a Party or Organisation of Political, Communal or Cultural nature? If so, state the name of the Party or Organisation with the period/periods of your membership therein.”



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7. It is clear that none of the aforesaid entries in Column 12 of the Attestation Form has been breached by the petitioner in not mentioning the fact that an FIR had been registered against him.

8. To a query from the Court in this regard, Mr. Ansari has drawn our attention to Clause (i) of Column 12 of the Attestation Form.

9. The reliance, on the face of it, is misconceived. Clause (i) requires the candidate only to disclose whether any case was pending against the candidate in a court of law while filling the Attestation Form. The petitioner correctly disclosed that no case was pending against him before any court of law. The registration of an FIR does not *ipso facto* result in the pendency of a case in a court of law.

10. In fact, we are informed that, till date, no charge sheet has been filed consequent to the registration of the aforesaid FIR in any court of law.

11. Apart from Clause 12(i), Clause 12(f) required the candidate to disclose whether he had been convicted by a court of law for any offence. Far from being convicted, no case is even pending as on date against the petitioner before any court of law.

12. In these circumstances, it is clear that there has been no misstatement by the petitioner while filling in his Attestation Form.



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13. In fact, the manner in which entries in Column 12 have been worded appears to be deliberately in sync with the existing legal position. The Ministry of Home Affairs has, in Office Memorandum dated 1 February 2012, noted as under:

“Hon’ble High Court of Delhi in W.P. No. 2930/2011 titled ***Het Ram Meena Vs Union of India and Others*** directed the Union of India to formulate guidelines for considering the cases of the candidates against whom the criminal cases were registered before applying for the various posts in CAPFs.

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

I. A candidate is required to declare in the application form, whether he has been arrested, prosecuted or convicted by a court for any criminal offence. If a candidate does not disclose the fact of 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, during medical examination as well as in the attestation/verification form and the fact subsequently comes to the notice of recruiting authorities/is found out from the verification report received from the District authorities or otherwise, his candidature/appointment will be cancelled. However, in case the candidate has already been appointed, while canceling/terminating the appointment, the principle of natural justice shall be followed and opportunity of being heard would be accorded to the candidate.

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.

The candidate will not be considered for recruitment if:

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



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- 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 cases, if only any an FIR has been registered/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 mentioned in Annexure B or those mentioned in Chapter VIII & X of Code of Criminal Procedure, 1973.

Where a candidate has been convicted and awarded a jail-term of more than six months, he/she will generally not be considered suitable for appointment in the CAPF.

Notwithstanding the provisions of 3 (III) above, such candidates against whom chargesheet in a criminal case has been filed in the court and the charges fall in the category of serious offences or moral turpitude, though later on acquitted by extending benefit of doubt or acquitted for the reasons that the witnesses have turned hostile due to fear or reprisal by the accused person(s), he/she will generally not be considered suitable for appointment in the CAPF. The details of crimes which are serious offences or involve moral turpitude are at Annexure A. However, cases in which the criminal court, while acquitting, has categorically mentioned that the



criminal case would not be a bar on appointment in Government Services, the candidate shall be considered for appointment in the concerned CAPF.

Involvement in minor offences, traffic violations, juvenile in conflict with law (tried in open courts/Juvenile Justice Boards) and accident cases will not debar an individual for appointment in CAPFs & Ars provided that appointments for the post of Driver and those related to driving will not be offered to the individuals, punished for serious traffic offences.

If a candidate is discharged by extending the benefit under the Probation of Offender Act, 1958, the suitability of such candidates shall be put up for consideration of the selection committee as constituted by the DGs of CAPFs & ARs from time to time for assessing his/her suitability for appointment in the concerned CAPF.”

14. Thus, even as per the aforesaid circular, mere registration of an FIR does not disqualify a candidate from entitlement to appointment to the CISF.

15. In any event, the charge against the petitioner was not that an FIR had been filed against him but that he has failed to disclose, in the Attestation Form, the pendency of the proceedings against him.

16. On the facts of the case, it is clear that this charge was without substance.

17. Accordingly, the proceedings emanating from the said charge sheet dated 18 June 2019 are *ab initio* misconceived and are liable to be set aside.

18. Accordingly, the proceedings against the petitioner commencing from the charge sheet dated 18 June 2019 and



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culminating in the order dated 12 December 2019 removing him from service as well as the subsequent orders of the appellate and disciplinary authority and the order of the DIG dated 9 January 2022 are all quashed and set aside.

19. The petitioner would be entitled to be reinstated in service with effect from the date when he was removed, with continuity in service without any back wages. He shall also be entitled to all consequential reliefs by way of seniority and notional pay fixation.

20. The petition is accordingly allowed to the aforesaid extent.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

DECEMBER 11, 2025/AR