



2025:DHC:6650-DB



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

Date of decision: 08.08.2025

+ W.P.(C) 11896/2025
UNION OF INDIA AND ORSPetitioners

Through: Mr.P.S.Singh, CGSC with
Ms.Minakshi Singh, Mrs.Annu
Singh, Mr.Ashutosh Bharti,
Advs.

versus

NIRANJAN KUMARRespondent
Through: Mr.Zishaan Iskandari, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 48509/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 11896/2025 & CM APPL. 48510/2025

2. This petition has been filed by the petitioners, challenging the order dated 16.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.2041/2020, titled ***Niranjan Kumar v. Union of India & Ors.***, whereby the learned Tribunal allowed the O.A. filed by the petitioner herein with the following directions:

"27. In the result, the present Original Application is allowed with the following directions:-

i. The impugned orders dated 01.10.2020 and



15.12.2020 [Annexure-A/1 (Colly)] are quashed and set-aside;

ii. The respondents are directed to re-instate the application immediately with all consequential benefits including wages and seniority;

iii. The respondents shall implement the aforesaid directions within eight weeks of receipt of a copy of this order.”

3. To give a brief background of facts in which the present petition arises, the respondent was selected to the post of Postal Assistant in 2018 and was offered the said post *vide* letter dated 09.02.2018. He filled up an Attestation Form on 24.02.2018, wherein he, *inter alia*, disclosed that there was no criminal case/FIR pending against him. The petitioners allege that the respondent had intentionally concealed the registration of the FIR No.57/2018 dated 29.01.2018 under Sections 341/323/504/324/506/379/302/34 of the Indian Penal Code, 1860 (in short, ‘IPC’) at Police Station Town Hajitpur, Vaishali, Bihar, wherein he had been arrayed as an accused.

4. At the outset, we would note that though in the synopsis in the present petition it is alleged that the above FIR was registered against the respondent *inter-alia* alleging offence under Section 302 of the IPC, it is not so.

5. The petitioners, claiming that the respondent had intentionally failed to disclose the above-mentioned FIR, issued an Order dated 01.10.2020, thereby terminating the services of the respondent. The representation and the appeal filed by the respondent against the said termination were also rejected by an Order dated 15.12.2020.



6. In the meantime, the respondent had been acquitted of the criminal charges by an Order dated 21.10.2020 passed by the Court of the learned Judicial Magistrate, 1st Class-VII, District Vaishali in Case No. GR No. 360/2018; TR No. 463/2019, titled ***State (through Ramesh Kumar) v. Niranjana Kumar & Ors.*** The said acquittal was after a trial and was on account of lack of evidence against the respondent.

7. The respondent filed the above O.A. challenging the termination, and as noted hereinabove, the learned Tribunal allowed the same. In the Impugned Order, the learned Tribunal, on the basis of the record before it, observed that the respondent had been issued a notice to appear in the investigation in the above FIR only on 16.04.2018, that is, after he had filled up the Attestation Form on 24.02.2018. The learned Tribunal, therefore, accepted the version of the respondent that at the time of filling up the Attestation Form, he was not aware of the registration of the abovementioned FIR; and therefore, the information furnished by him in the Attestation Form was correct. The learned Tribunal further relied upon the order acquitting the respondent of the criminal charges.

8. The learned counsel for the petitioners submits that the respondent, having concealed the registration of the FIR in his Attestation Form, had been rightly terminated from service.

9. On the other hand, the learned counsel for the respondent, who appeared on advance notice of this petition, draws our attention to the Charge Sheet, which indicates that the notice under Section 41A of the Code of Criminal Procedure, 1973, had been issued to the respondent



only on 16.04.2018, that is, post the filing of the Attestation Form by him. He reiterated that the respondent was not aware of the registration of the FIR against him at the time of filling up the Attestation Form.

10. Having considered the submissions of the learned counsels for the parties, we find no infirmity in the order passed by the learned Tribunal.

11. In the present case, the learned Tribunal, based on the Charge Sheet, accepted the submission of the respondent that he was not aware of the registration of the FIR at the time of filling up the Attestation Form. The facts remain that the respondent has also been honourably acquitted of the charges against him.

12. Given the above facts, we do not deem it a fit case to interfere with the order passed by the learned Tribunal, in the exercise of our judicial power under Article 226 of the Constitution of India.

13. The petition is accordingly dismissed. The pending application is also disposed of as having been rendered infructuous.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 8, 2025/Arya/DG