



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 9402/2022

Amit Kumar Sharma

----Petitioner

Versus

1. Union Of India, Through Its Secretary, Ministry Of
Defence, South Block, New Delhi.

2. The Major General, Chief Engineer, South Western
Command, Pin 908546, C/o 56 APO.

3. Engineer In Chief, Integrated Hq Of Mod (Army), Kashmir
House, Rajaji Marg, New Delhi-110011.

----Respondents

For Petitioner(s) : Mr. Abhishek B. Sharma

**HON'BLE MR. JUSTICE PANKAJ BHANDARI
HON'BLE MR. JUSTICE SAMEER JAIN
Order**

12/07/2022

1. Present petition has been filed by the petitioner against the impugned order dated 15.02.2022 passed by learned Central Administrative Tribunal, Jaipur Bench, Jaipur.

2. The facts of this case as submitted by learned counsel for the petitioner are that he was given appointment on the post of LDC on compassionate grounds on 24.12.2012. Attestation form was filed on 01.07.2013, wherein under Clause-13 of the said form, he has disclosed all information, except Clause-13(J), wherein on account of paucity of space, he was not able to give details of criminal cases pending against him. On account of said concealment, show cause notice dated 11.12.2013 was issued, wherein it was reflected by the respondents that two



criminal cases were found pending against the petitioner. Representation dated 10.10.2014 was filed, but rejected and termination order was passed vide order dated 18.03.2015. Against the same, application was filed by the petitioner before the Learned CAT, Jaipur Bench, Jaipur. After considering the entire matter, the learned CAT vide order dated 15.02.2022 upheld the termination order holding that it was not against the Rules, that there is no allegation of mala-fides and natural justice was adhered to by the respondent. Being aggrieved against the same, present petition was filed.

Learned counsel on the above facts has submitted that the order passed by CAT is per se illegal in view of settled proposition of law. He has submitted that petitioner in question was merely tenth pass and he had disclosed necessary details as required under clause-13 of the form. It was only because paucity of space that due details only under clause-13(J) were not furnished. There was no wilful suppression of information, in fact it was a bonafide mistake because of lack of space.

4. In support of his claim, he has placed reliance on Hon'ble Apex Court judgement titled as Pawan Kumar Vs. Union of India (UOI) and Ors. reported in **AIR 2022 SC 2829**.

5. We have Considered the arguments advanced by learned counsel for the petitioner and perused the impugned judgment of CAT dated 15.02.2022.

6. As per the appointment letter dated 24.12.2012 under Clause-2(n), it was specifically mentioned as under:-

"If any information given or declaration furnished by you proves to be false or if you are found to have willfully suppressed any material information, you will be liable to removal from service and such



other action as deemed fit will be taken against you”.

7. In the prescribed form in Clause-13, details were specifically asked for. Petitioner failed to give due details and therefore, violated Clause-2(n) of the appointment letter and also suppressed the information. The learned tribunal has duly considered said violations and suppression on the part of the petitioner. Further, learned tribunal has also considered Apex Court judgment titled as **Avtar Singh Vs. Union of India & Ors. (2016) 8 SCC 471**, wherein it was specifically held as under:-

“Para-38:-We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of aforesaid discussion, we summarize 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”.

8. For the reasons mentioned above, this Court is not inclined to interfere with the order of the CAT. The present writ petition stands dismissed.

9. All pending applications also stand disposed of.

(SAMEER JAIN),J
CHANDAN /8

(PANKAJ BHANDARI),J