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ORDER

This is an order in compliance of the judgment dated 10.10.2022 pronounced by the Hon'ble CAT, UT, Chandigarh in the OA/1237/HR/2011 title as Krishan Kumar Vs. UT, Chandigarh & Ors. and in the light of observation of Hon'ble High Court in CWP/27293/2017 title as UT, Chandigarh Vs. Krishan Kumar & Ors. as well as in Hon'ble Supreme Court of India, New Delhi in SLP(C)/31645/2018 titled Union Territory, Chandigarh & Others Vs. Krishan Kumar.

Whereas, Mr. Krishan Kumar was provisionally selected in the recruitment of 1200 posts of constables of Chandigarh Police in the year 2010 in ex-servicemen category. He was declared medically fit. While submitting information in the attestation form for the purpose of verification of character & antecedents, he mentioned in the column No. 12 as "No", against the remarks "Have you ever been involved in a criminal case any where in India ? if yes, give detail". Further, in the column No. 13 as "No" against the remarks "Have you ever been convicted or acquitted by court of offence ? If yes, full particulars of the acquittal, conviction and sentences etc. should be given."

However, as a result of his antecedents verification, it was found that he has submitted false information in Column No. 12 & 13 as it transpired that he was involved in Case FIR No. 121 dated 16.08.2005 u/s 148, 149, 323, 325, 506 IPC, PS-Beri, Jhajjar, Haryana. Thus, he concealed this fact regarding his involvement in criminal case in Column No. 12 & 13 of Attestation Form. As such, his name was not recommended by the committee so constituted for the purpose for the post of constable in the discipline force and he was intimated vide No. 39170-71/UT/E-II dated 21.09.2011. The said order was challenged in the Hon'ble CAT by the applicant by filing OA/1237/HR/2011 titled as Krishan Kumar Vs. UT, Chandigarh, which was allowed vide common order dated 24.07.2012.

Whereas, the said order dated 24.07.2012 passed by the Hon'ble CAT was challenged before the Hon'ble High Court by filing CWP/14392/2016 titled Chandigarh Administration Vs. Krishan Kumar & Ors. Consequently, the Hon'ble High Court vide common judgment dated 01.04.2016 remanded the matter back to the Hon'ble CAT in respect of Chandigarh Administration Vs. Krishan Kumar & Ors.

Whereas, the applicant appeared before the Hon'ble CAT in OA/1237/HR/2011 which was allowed vide order dated 04.01.2017 and the Hon'ble CAT has pronounced the following judgment:-

"Therefore, it is reiterated that the Competent Authority was legally required to consider all the indicated relevant facts and mitigating circumstances in the right perspective before abruptly cancelling the candidature of the applicant, which are totally lacking in the present case. Hence the impugned order cannot legally be sustained in the obtaining circumstances of the case and legal position.

In the light of aforesaid reasons, and without commenting further anything on merits, lest it which may prejudice the case of either side during the course of fresh hearing of the matter by the Competent Authority, the instant O.A. is partly accepted. The impugned order dated 21.09.2011 is hereby set aside. The case is remitted back to the Competent Authority to decide the matter afresh, in the light of aforesaid conservations and in accordance with law, within a period of three months from the receipt of certified copy of this order. However, the parties are left to bear their own costs.

Needless to mention that nothing observed hereinabove would reflect in any manner on the merits of fresh consideration of the case by the Competent Authority as the same has been so recorded for a limited purpose of deciding the technical point involved in the instant O.A."

Whereas, the above said orders was challenged in the Hon'ble High Court by filing CWP/27293/2017 UT, Chandigarh Vs. Krishan Kumar & Ors., which was dismissed on 14.02.2018 by the Hon'ble High Court and the Hon'ble High Court has pronounced following judgment:-

"On due consideration, we do not find any reason to interfere. We notice from the record that during his service in the Indian Army the respondent No. 1 participated in various operations undertaken by the Army and was awarded with operation Vijay Medal besides other medals. He is said to have earned 18 colours and was permitted to retire after completing qualifying service with a flattering character certificate. His involvement in a criminal case and acquittal much prior to this undertaking a service with the Army would have no consequence more particularly when he has proved himself to be a person fit to serve the uniformed force. The judgment relied upon by the learned counsel would has no bearing on the present case because of peculiar facts notice in the order

No ground to interfere.

Dismissed".

Whereas, the above said order dated 14.02.2018 was challenged in the Hon'ble Supreme Court of India, New Delhi by filing SLP/31645/2018 which was also dismissed on 10.10.2022 with the following judgment:-

*"Considering the peculiar facts and circumstances of the case on record, we see no reason to interfere in this special leave petition. The special leave petitioner is dismissed leaving all questions of law open.
Pending applications, if any, shall stand disposed of."*

Whereas, the Hon'ble High Court of Punjab and Haryana, Chandigarh and Hon'ble Supreme Court of India, New Delhi has not interfered in the order dated 04.01.2017 passed by the Hon'ble CAT in OA/1237/HR/2011 title as Krishan Kumar Vs.