

Commissioner Of Police And Anr vs Dholi Jat on 26 March, 2025

Author: Navin Chawla

Bench: Navin Chawla

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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 26.03.2025

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W.P.(C) 16324/2024

COMMISSIONER OF POLICE AND ANR

Through:

.....P
Mr. Varun Vats, SPC with H
Dixit Dalal, ASI Ranveer
Poonia, Delhi Police.

versus

DHOLI JAT

Through:

.....Respond
Ms. Rhea Verma and Mr. Rah
Jain, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 68773/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 16324/2024 & CM APPLs. 68774-75/2024

2. This petition has been filed by the petitioners, challenging the Order dated 09.09.2024 passed by the learned Central Administrative Tribunal (PB), New Delhi (hereinafter referred to as, 'Tribunal') in Original Application No. 2120/2022 titled Dholi Jat v. Commissioner of Police and Anr., (hereinafter referred to as the "OA"), allowing the O.A. filed by the respondent herein with the following directions:

"17. In light of the aforesaid, the present OA deserves to be allowed and the same is accordingly allowed with following directions:-

(i) The impugned order dated 07.07.2022 is quashed and set aside.

(ii) The respondents shall reinstate the applicant in service.

(iii) The applicant shall be entitled for all consequential benefits, i.e., continuity of service, seniority, arrears of pay, fixation of pay at par with other similarly placed persons.

(iv) The aforesaid directions shall be complied with by the respondents as expeditiously as possible and preferably within six weeks from the date of receipt of a copy of this Order."

3. It is the case of the petitioners that pursuant to the Advertisement/Notice dated 01.08.2020 for the recruitment of the Constable (Executive) Male and Female in the Delhi Police Examination, 2020 issued by the Staff Selection Commission (SSC), the respondent applied for the said post.

4. On successfully completing the selection process, on 12.01.2022, the respondent submitted a duly filled Attestation Form in which she, inter alia, mentioned that no FIR had ever been registered against her.

5. The petitioners, by a letter dated 04.02.2022, sought a verification of the antecedents of the respondent from the concerned police station. In the meantime, a "provisional" appointment letter dated 24.02.2022, with a direction to the respondent to join the basic training course at DPA, Jharoda Kalan, New Delhi, was issued. At the time of joining, the respondent gave an undertaking, on 08.03.2022, reiterating her declaration in the Attestation Form.

6. The respondent joined the training on 10.03.2022. Thereafter, on 06.04.2022, the concerned police station, that is, P.S Paragpura, District Jaipur Rural (Kotputli-Behror), intimated that there was an FIR No. 48/2021 under sections 302,143 and 120B of the IPC registered against the respondent. The petitioners, therefore, vide letter dated 07.07.2022, terminated the services of the respondent, claiming concealment of facts by her.

7. The respondent, being aggrieved by the termination letter, filed the above O.A.

8. The learned Tribunal has allowed the O.A filed by the respondent herein, observing as under:

"13. From the aforesaid facts, it is evident that the case FIR No. 48/2021 u/s 302 was registered on 26.01.2021. The applicant has submitted her Attestation Form and undertaking subsequent thereto, i.e., on 12.01.2022 and 08.03.2022. However, till then, no notice, summon and/or warrant from Police and/ or any Court was ever served upon her. It is also evident that the applicant has not been detained and/ or arrested in any criminal case including the case FIR under reference before she had filled up the relevant Attestation Form and/or had given the undertaking dated 08.03.2022. So far the communication dated 09.08.2024 of the Deputy Director, DPA, Jharoda Kalan, New Delhi and two inquiry notes annexed therewith are concerned, we find that OA was filed by the applicant on 03.08.2023 and vide communication dated 09.08.2024, the respondents have sought a factual report along with a copy of the FIR, case diary, challan, supporting documents, judgments

passed by learned Trial Court, if decided or a status of the case along with next date of hearing and this has been done by the respondents to ascertain as to whether the applicant had been aware of any FIR lodged against her or not before she had filled up the Attestation Form and/ or the Undertaking given by her under reference. In fact, the communication dated 09.08.2024 itself indicates that the respondents were not sure about the applicant being aware of her involvement in any case FIR including the case FIR under reference while passing the impugned order under reference dated.07.07.2022. The inquiry of investigation notes annexed with communication dated

09.08.2024 in no manner indicate that the same was made after putting the applicant to any kind of notice that she was involved in the case FIR, under reference and/ or any notice about the same was served upon her in this regard. The same only indicates certain facts like details of the applicant, her family, her residence and matrimonial home, etc."

9. The learned Tribunal has also placed reliance on the judgement of the Supreme Court in Avtar Singh Vs. Union Of India., (2016) 8 SCC 471, for granting relief to the respondent, observing that she cannot be held guilty of suppressing her involvement in the above FIR at the time of filling up her Attestation Form or providing the undertaking.

10. The learned counsel for the petitioners submits that the respondent was fully aware of the registration of the above FIR at the time of filling up the Attestation Form and giving her undertaking. He has drawn our attention to Form No. 12.18(1) of the 'Police Department Personal Information of the recruit' to submit that the said form was submitted by the respondent herself.

11. Taking note of the above submission, however, finding no material placed on record to support the submission that the report in this Form was known to the respondent or had been submitted by the respondent herself, this Court, vide its Order dated 28.11.2024, had granted time to the learned counsel appearing for the petitioners to seek instructions on any material that would show that the above Form, filled by the SHO, was within the knowledge of the respondent at the time she applied for the recruitment or filled up the Attestation Form or gave the undertaking.

12. Today again, the learned counsel for the petitioners is unable to provide any material which would support his submission that the said Form, filled up by the SHO, was within the knowledge of the respondent.

13. From the above narration of facts, it would, in fact, be evident that after filling up the Attestation Form by the respondent, it is the petitioners who had addressed a letter dated 04.02.2022 to the concerned police station, seeking the verification of the details/antecedents of the respondent.

14. It appears that in response to the said letter, Form no. 12.18(1), referred to hereinabove, was submitted by the SHO, disclosing the details of the FIR.

15. From the above, it does not become apparent that the said Form/report submitted by the SHO, was within the knowledge of the respondent.

16. The learned counsel for the respondent reiterates that the respondent was not aware of the registration of the said FIR, as she had never been arrested nor had received any notice or summons regarding the same. She further submits that a closure report has also been filed in the said FIR.

17. Keeping in view the above peculiar circumstances, wherein the petitioners have not been able to show to us that the respondent was aware of the registration of the said FIR at the time of filling up the Attestation Form or providing the undertaking, and, in any case, a closure report also stands filed in the said FIR, we find no infirmity in the Impugned order passed by the learned Tribunal.

18. The petition alongwith applications is, accordingly, dismissed.

NAVIN CHAWLA, J RENU BHATNAGAR, J MARCH 26, 2025/Pr/M/DG Click here to check corrigendum, if any