

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

TA 3/2023 with OA 1112/2023
TA 5/2023, TA 6/2023 and TA 7/2023

TA 3/2023 WP(C) 12948/2021 with MA 379/2023 & 2664/2025

Ex Rect Gaurav Kumar Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Neeraj, Sr. CGSC

WITH

OA 1112/2023

Ex Rect Harsh Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Govind Narayan, Advocate

TA 5/2023

Ex Rect Manoj Kumar Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Neeraj, Sr. CGSC

144.

TA 6/2023

Ex Rect Sandeep Kumar Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Karan Singh Bhati, Sr CGSC

145.

TA 7/2023

Ex Rect Shubham Kumar **Applicant**
Versus
Union of India & Ors. **Respondents**

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Karan Singh Bhati, Sr. CGSC

Order reserved on 02.07.2025

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

Since common question of law and facts is involved in all these cases, they are being disposed of by this Order. As agreed by learned counsel for the parties TA No.3/2023 is treated as the lead case and the facts of the said case are discussed hereinbelow.

T.A. No.3 of 2023

2. Challenging his discharge from service on the ground that he has furnished false information at the time of his recruitment, applicant has invoked the jurisdiction of this Tribunal and calls

in question tenability of the discharge order dated 03.08.2021. Apart from seeking quashing of the same, applicant wants reinstatement in service with all consequential benefits.

3. The applicant was enrolled as an Infantry Soldier (GD) in the Rajputana Rifles Regimental Centre on 10.09.2020 through the Army Recruitment Office, Bareilly (Uttar Pradesh). On receipt of his enrolment documents the verification roll (IAFK-1152) of the applicant was forwarded to the office of the District Magistrate, Shahjahanpur, U.P. for verification of character antecedent, address and domicile of the applicant. These documents were submitted by the applicant at the time of enrolment. After verification a report was received from the office of the District Magistrate, Shahjahanpur indicating that the applicant is not a resident at the address given i.e. Village Bhudely, PO Bhudely, PS-Kalan, Tehsil-Jalalbad, Distt. Shahjahanpur, UP. It was indicated in the report that the Village Pradhan also intimated that the applicant has

fraudulently prepared the residential certificate on the basis of fake stamp of the Village Pradhan.

4. Be that as it may be, on receipt of the aforesaid documents from the office of the District Magistrate, the applicant was issued with a show cause notice and after submission of his reply to the show cause notice as the applicant has been discharged from service, he sent a legal notice and when no positive response was given, he has filed this OA challenging his discharge.

O.A. No. 1112/2023

5. As per the records submitted by the respondents, the applicant was enrolled through Army Recruitment Office, Bareilly on 30.08.2020 and reported to the Artillery Centre, Nasik Road, Camp on 01.09.2020. He commenced his Basic Military Training on 05.10.2020 and, after undergoing Advanced Military Training, completed his course on 14.07.2021.

6. A verification roll of the applicant was forwarded to the office of District Magistrate, Bareilly. However, certain discrepancies came to light in the verification reports submitted

by District Magistrate, Bareilly and SSP, Bareilly dated 06.03.2021 and 20.03.2021 respectively. Therefore, a fresh verification roll was sent to District Magistrate, Bareilly on 08.06.2021, wherein again discrepancies with regard to resident status of the applicant were found in the reply received for Verification roll sent on 23.12.2021.

7. In view of multiple discrepancies and contradictory reports, a fresh verification was sent to District Magistrate, Bareilly on 17.05.2022 of which a final verification report of District Magistrate, Bareilly containing reply of SSP, Bareilly was received on 11.10.2022, wherein it was made clear that the applicant is not the resident of Village- Dauli Jawahar Lal, Thana-Fatehganj West, P.O.- Shahi, Dist.- Bareilly, as submitted in his documents and thus, dismissed from service, aggrieved by which, applicant is before this Tribunal.

8. The applicant submitted that at the time of enrolment, he had furnished his Aadhaar Card and Domicile Certificate as proof of residence, which were duly verified by the District

Magistrate, Bareilly, on 06.03.2021, wherein it was certified that the applicant was a resident at the address mentioned in the verification roll. The verification process was once again undertaken in April 2022, and the same confirmation was made that the applicant had disclosed the correct residential address. However, during the third verification, a report purportedly submitted by the District Magistrate, Bareilly, stated that the applicant had mentioned an incorrect address.

9. The applicant submitted that this finding is erroneous in light of his Aadhaar Card and Domicile Certificate dated 30.09.2019, issued by the District Magistrate, Bareilly, both of which categorically reflect his correct residence. Despite such material documents being available, respondents permitted the applicant to continue in service with full knowledge of the earlier verification reports.

10. It is the case of the applicant that his dismissal from service with effect from 22.11.2022, without affording him a reasonable opportunity of defence, more so after he had successfully completed his basic training, is arbitrary, unjust,

and an abuse of authority by the respondents. The applicant contends that such dismissal action is illegal, unreasonable, discriminatory, and in contravention of the applicable policy instructions as well as the settled principles of natural justice and fair play.

11. Furthermore, the applicant submits that the respondents failed to appreciate and properly consider the residence proof and supporting documents, all of which had been duly verified by the police authorities, the State Government, and the concerned local authorities. In view thereof, the impugned dismissal order is wholly unjustified, unsustainable in law, and violative of the principles of due process.

T.A. No. 5/2023

12. Similar to aforesaid cases, the Applicant was enrolled in the Indian Army on 04.09.2020 through the Army Recruiting Office, Bareilly (Uttar Pradesh), and went for Recruit training to the Training Battalion, the Rajputana Rifles Regimental Centre, Delhi Cantt., from 05.09.2020 to 26.07.2021. The verification roll (IAFK-1152) of the Applicant was forwarded to the office of the

District Magistrate, Budaun (Uttar Pradesh) ("DM") vide letter No. PC/14/VR/C-213 dated 24.10.2020, for verification of character and antecedents.

13. The first verification report, bearing No. 1144/J.A.-2/ (Character Verification) dated 07.01.2021 (Annexure P3-pg 45), received from the office of DM, Budaun stated that the Applicant was not residing at the given address i.e. Mohalla Chaudhary Sarai, Badaun. Later, on receipt of application for re-sending verification submitted by the Applicant to Company Commander, Rajputana Rifles Regiment, Delhi Cantt., the Verification roll of the Applicant was re-submitted on 01.02.2021, vide letter No. PC/14/Ver/C-212, to the DM for re-verification.

14. Thereafter, the DM sought re-examination of the Applicant's antecedents and forwarded Letter No. 117/J.A.-2/(Character Verification) dated 27.04.2021 (Annexure-3 Pg44) to the Senior Superintendent of Police ("SSP") and Letter No. 244/J.A.-2/(Character Verification) dated 10.06.2021 (Annex-3 pg 42) to the Deputy District Magistrate. Pursuant to the above,

the SSP, vide Letter No. CVR-212/2020 dated 07.06.2021, reported that the Applicant was residing at Mohalla Chaudhary Sarai, Budaun as a tenant in the house of Shri Baburam Sahu and that he was a native of Village Bharana, P.S. Sikandrabad, District Bulandshahr.

15. Similarly, the Sub-Divisional Magistrate, in his inquiry report dated 19.06.2021 sent to the DM, confirmed that the Applicant was only a normal resident of the address provided in the verification roll. Consequently, the Applicant was discharged from service on 26.07.2021 under Army Rule 13(3) (IV), and hence, the applicant has filed a Writ Petition before the Hon'ble Delhi High Court, which has been transferred to this Tribunal.

16. The applicant contends that, at the stage of original verification, he had duly furnished documents such as the Residence Certificate, Bank Account details, Aadhaar Card and other records, all bearing the same residential address, i.e., Village Bharna, Tehsil Sikandrabad, District Bulandshahr. A verification roll in this regard was forwarded to the District

Magistrate, Budaun, on 24.10.2020 and again on 01.02.2021. However, the verification report received from the office of the District Magistrate, Budaun, recorded that the applicant was not a resident of the address mentioned in the said verification roll.

17. It is the specific case of the applicant that he is a native resident of District Bulandshahr, but after completion of his primary education, he shifted to Mohalla Chaudhary Sarai, Budaun, where he has since been residing in rented accommodation. The said address stands reflected in all of his official documents. It is further submitted that at the time of the first verification, the applicant's family was temporarily residing in Delhi in order to cater to the medical needs of his sister, who was suffering from cancer during the period 2019-2020.

18. It is further the applicant's submission that at the time of the second verification, his family had already shifted to their residence at Budaun. Despite this, the District Magistrate, Budaun, for reasons unknown, reported that the applicant was not a resident of the address mentioned in the verification roll.

19. The applicant submits that such an observation is untenable in view of the fact that the police verification conducted at Budaun clearly recorded that the applicant was residing in the rented premises of one Shri Babu Rai Sahu.

20. Learned counsel for the applicant, therefore, submits that the entire verification exercise was undertaken behind the back of the applicant, without affording him any opportunity to explain, and that the reliance placed by the respondents merely on such a report, culminating in issuance of a show cause notice and consequent termination of service, is wholly arbitrary, unjustified, and contrary to law.

T.A. No. 6/2023

21. As per the admitted records, the applicant was enrolled in the Indian Army through the Area Recruiting Office, Bareilly on 11.09.2020 after being declared medically and physically fit. On 10.12.2020, the respondents forwarded his roll to the District Magistrate, Badaun for verification of his domicile. A supporting letter dated 07.01.2021 was also issued by the Nagar Palika, Badaun again questioning his residence. On 25.02.2021

(Pg 67), the DM, Badaun, forwarded a report to the respondents emphasizing that as per the verification and investigation of the Senior Superintendent of Police which was held on 21.01.2021 (pg 69), the petitioner was not found currently residing at the address mentioned in his Aadhar. The respondents received verification report from DM Badaun on 08.03.2021 stating that he was not residing at the address mentioned by him.

22. Acting on this, a show Cause Notice dated 17.03.2021 was issued to the applicant, in reply of which submitted by the applicant on 23.03.2021 (Pg 75), he maintained that his residence was the same as mentioned by him during enrollment. Thereafter, the respondents again forwarded the verification roll to the DM, Badaun for re-verification. Subsequently, the DM's office for the second time, by letter dated 28.06.2021, reiterated the earlier adverse report on the basis of an enquiry by the Senior Superintendent of Police conducted on 16.06.2021, which stated that the petitioner was not found currently living at the

said address. The respondents received the final reply from the DM's office on 07.07.2021 confirming their earlier stance.

23. An FIR was lodged against him under Sections 420 and 177 IPC alleging that he had cheated the Army by producing a false domicile certificate and he was handed over to the Civil Police at Ahmednagar, in which on 20.08.2021, he was granted bail. On the other side, applicant was dismissed from service, aggrieved by which he has approached Hon'ble High Court, from where the case was transferred to this Tribuna¹.

24. The applicant argues that at the time of his enrolment, he had duly furnished documents including his Bank Passbook and Aadhaar Card, both of which reflected his place of residence. These documents were forwarded along with the verification roll to the District Magistrate, Budaun, on 10.12.2020. In response, the District Magistrate, Budaun, reported that the applicant was not presently residing at the address mentioned by him at the time of enrolment. However, it is pertinent to submit that the details and basis of such adverse report were neither disclosed to the applicant nor explained at any stage.

25. It is further submitted on behalf of the applicant that he belongs to an educationally backward background. It is his case that his superior issued a *Show Cause Notice* alleging that "there is a prima facie case against you for getting enrolment through fraudulent means" and further requiring him to explain "as to why administrative action in the form of dismissal may not be taken against him." The applicant was compelled to acknowledge receipt of the said notice by affixing his signature, without being informed of its true import, meaning, or implications on his service enrolment.

26. Learned counsel for the applicant contends that, without constituting any independent investigating team to review or correlate the report of the District Magistrate, Budaun, the respondents proceeded to initiate criminal proceedings by lodging a false and arbitrary FIR bearing No. 0324/2021 under Section 177 of the Indian Penal Code at Camp Police Station, Bhingar, District Ahmednagar, Maharashtra, on 13.08.2021. Consequent to his arrest in connection with the said FIR, the training of the applicant was abruptly ceased. Though the

Judicial Magistrate (First Class), Ahmednagar, was pleased to grant bail to the applicant, his subsequent dismissal from service has rendered him unemployed and deprived him of his only means of livelihood.

T.A. No. 7/2023

27. On a similar factual matrix as aforesaid TA 3/2023, the applicant in the instant TA was enrolled in the Indian Army by the Area Recruiting Officer, Bareilly on 10.09.2020, and was granted the Number 16035279L. Subsequently, he had reported for Recruit Training at Rajputana Rifles Regimental Centre on the next day, i.e. on 11.09.2020. During the training of the applicant along with other recruits, the Verification Roll of the Applicant was forwarded by the Respondents to the District Magistrate, Farrukhabad (Uttar Pradesh) vide letter No. PC/14/VR/C-213 dated 24.10.2020. In response thereto, the concerned District Magistrate stated that the Applicant is not residing at the address mentioned in the verification roll, and the Applicant has another address at village Nagalakheri, PS Kububshahar, District Saharanpur.

28. In furtherance of the reply received from the District Magistrate, Farrukhabad, the Verification Roll of the Applicant was forwarded by the Respondents to the District Magistrate, Saharanpur (Uttar Pradesh) vide letter No. PC/14/Ver/C-213 on 12.02.2021 as well as on 22.06.2021. In response thereto, the concerned District Magistrate vide letter No. 424.Ch.Sal. dated 07.07.2021 replied that the applicant is a permanent resident of village Nagalakheri, PS Kutubshahar, District Saharanpur. As a result of the aforesaid correspondence, the Applicant was dismissed from service under the charge of fake/forged domicile papers vide order dated 26.07.2021 under Army Rule 13 3 (IV). As such, aggrieved by the dismissal, the applicant had approached this Tribunal.

29. The applicant contends that he had completed his primary education from his native village in District Saharanpur, which fact stands duly verified by the District Magistrate, Saharanpur. Thereafter, the applicant shifted to a rented accommodation situated at Mohalla Islam Nagar, Nawabganj, District Bareilly

(U.P.), where he has been residing for approximately eight years. Consequently, all his official documents, including his Aadhaar Card, Residence Certificate, and Bank Account Passbook, reflect the said address, which was also furnished by him at the time of enrolment.

30. It is the specific case of the applicant that, in response to the verification roll forwarded to the District Magistrate, Farrukhabad, it was reported that the applicant was not a resident of the address mentioned therein.

31. The applicant submits that he is unaware of the reasons for such adverse report, and it is his bona fide belief that the verification roll was forwarded with an incorrect address, either erroneously or intentionally, by the respondents. As a consequence thereof, the antecedents of the applicant could not be duly verified, leading to his discharge from service and resulting in the deprivation of his means of livelihood.

32. Noting that the factual matrix is similar in all the connected cases, we proceed to examine the contentions of the applicants in consonance with the lead case i.e. TA No.3/2023.

33. It is the case of the applicant that the verification was done behind the back of the applicant. The applicant submitted that in the original verification submitted, the applicant had furnished documents including residence certificate, bank account, voter ID card, Adhar Card, Electricity Bill etc. with the same address i.e. Village Bhudely, Shahjahanpur and initially the same was verified by the local police and based on this verification submitted by the local police on 06.04.2021, the applicant was enrolled with the same address and has already been taken into service. The contention of the applicant is that he is a resident of the village staying on rent in the house of one Shri Ramesh, S/o Sh. Inderpal Singh but now he owns a house in Shahjahanpur.

34. The applicant relies upon the police verification dated 06.04.2021 placed at Annexure A-3, the Aadhar Card and other documents produced and relied upon them to say that the

applicant is a residence of the village and once after due verification he has been enrolled after undergoing the selection process as prescribed under the rules, merely based on some verification report received from the District Magistrate, the action taken behind the back of the applicant after permitting him to join Army, is unsustainable in law. It was argued that the applicant does not have any criminal background, no criminal case is pending against him and when he filled the enrolment verification form after appointment, he had filled the correct details. The re-verification by the military authorities in spite of the police verification report, was not at all called for. It is also the case of the applicant that the police authorities initially filed a complaint before the Chief Judicial Magistrate Shahjahanpur, UP being complaint case No.489/2021, U/S 420, 467, 468, 471 of the Indian Penal Code for cheating and forgery but vide Annexure A-1 Order dated 06.03.2024 passed by the competent Criminal Court, the applicant has been acquitted of all the charges. It is, therefore, the case of the applicant that once he

has been acquitted on 06.03.2024 vide Annexure A-1, the entire complaint of the respondents becomes falsified.

35. The applicant relied upon the final report submitted by the police authorities to say that he was staying in the residence indicated five to six years prior to his enrolment and in the final report submitted by the police authorities vide Annexure A-2 on 21.04.2023 and 06.03.2024 all these factors are mentioned.

36. Learned counsel for the applicant argues that by conducting police verification behind the back of the applicant and without conducting any proper inquiry into the matter merely on the basis of a show cause notice terminating the services of the applicant is uncalled for. The punishment is too harsh and, therefore, the applicant be reinstated in service with all back wages.

37. In support of his contention the applicant relied upon the following judgment of the Hon'ble Supreme Court:-

- (a) *Naresh Kumar Sinha v. State of Bihar & Ors.* decided on 02.04.2025 SLP (C) No.8840/2022

As well as other judgment of the High Court and Orders passed by this Tribunal:-

- (i) Order dated 19.09.2012 passed in TA no.527/2009 by this Tribunal and W.P(C) No.2616/2008 passed by Hon'ble Delhi High Court titled as *Ex. Rect. Rajender v. UOI & Ors.* decided on 19.09.2012.
- (ii) Order passed by AFT Regional Bench at Lucknow in T.A. No.16/2016 – *Recruit Ashutosh Singh V. Union of India & Ors.* decided on 07.02.2022.
- (iii) Order passed by AFT, PB in OA 403/2013 with OA 404/2013 with OA 405/2013 with OA 507/2013 with OA 508/2013 decided on 31.07.2014.

38. It is the case of the applicant that merely on the basis of the allegations made i.e. the subsequent report received at the time of verification of documents, the action taken is unsustainable in law. The applicant has submitted the correct information and as the information given by the applicant are all correct, no case is made out for any indulgence into the matter.

39. The respondents have refuted the aforesaid and it is submitted that the recruitment in question was from the recruitment centre at Bareilly and therefore, there were restrictions with regard to the

domicile and the persons eligible to apply for such recruitment and, therefore, for verifying the domicile and the documents submitted at the time of enrolment vide verification roll IAFK-1152, the army authorities forwarded all these documents to the office of the District Magistrate Shahjahanpur for verification and the District Magistrate gave verification report Annexure R-1 along with the letter of the Pradhan (Annexure R-2) indicating that the applicant was not a resident of that village. It was when these documents were received that a show cause notice Annexure R-3 was issued to the applicant. The applicant submitted his reply to the show cause notice vide Annexure R-4 and after receipt of the same the matter was again referred and forwarded to the District Magistrate Shahajampur, UP by the Rajputana Rifles vide communication dated 24.03.2021 and 08.07.2021 (Annexure R-5 and R-6 respectively). Reply to the same was received from the Police authorities vide Annexure R-7 on 04.08.2021 from the office of District Magistrate Shahjahanpur wherein it was clearly stipulated that the applicant was a permanent resident of Village Bhadangpur, PS Babu Garh, District Hapur, UP.

40. It is also the case of the respondents that the applicant also produced domicile certificate in which he showed that he was a permanent resident of Village Bhudely. These documents are annexed

as Annexure R-8. However, the verification received from the office of the District Magistrate shows that the applicant is a permanent resident of Village Bhandgpur and the domicile certificate was false.

41. It is the case of the respondents by producing series of documents to say that the applicant submitted false and fabricated documents and, therefore, the action taken against the applicant is proper and the same does not call for any interference.

42. The respondents also relied upon various judgments including the judgment in the case of *Rajasthan Rajya Vidyut Prasaran Nigam Ltd. and Anr. v. Anil Kanwariya* (2021) 10 SCC 136 to say that when an employee obtains appointment by fraud and misrepresentation and when on verification it is found that the details given in the verification certificate by the employee are false, the employer has full right to take action against him.

43. Reliance is also placed on various judgments including the judgment of *Avtar Singh Vs. Union of India and Ors.* (2016) 8 SCC 471, to say that in the Armed Force integrity and honesty is of paramount importance and if a member of the Armed Force produces documents which are false and fabricated, in dispensing him from

service, no judicial review should be undertaken by granting any relief.

44. Having heard learned counsel for the parties, we find that the applicant herein was enrolled in the Indian Army as an Infantry Solder in the Rajputana Rifles Regimental Centre through Army Recruitment Office Bareilly on 10.09.2020. At the time of his recruitment, he produced a domicile certificate showing him to be a permanent resident of Village Bhudely, PO-Bhudely, PS-Kalan, Tehsil-Jalalbad, Distt-Shahjahanpur, UP. After he was enrolled, he submitted his enrolment documents vide verification Roll IAFK-1152 and all these documents, as indicated hereinabove, were forwarded by the competent authority to the office of District Magistrate Shajahanpur, UP.

45. On verification, the District Magistrate, Shahjahanpur vide his communication (Annexure R-1) forwarded the documents of verification. The Station House officer Police Station Kalan, District Shajahanpur vide Annexure R-1 at page 13 informs the Superintendent of Police that on verification it is found that Gaurav S/o Bachu Singh is not a resident of the said village. The communication indicates that the Station House Officer, Dilip Kumar Singh had inquired the matter from Smt. Sanno Devi, Gram Pradhan

of Village Bhudely who had informed him that no person by the name of S/o Bachu Singh is staying in the village and no movable or immovable property in the name of any of such person is available. It was also pointed out that the character certificate bearing PNO No. 912350112 dated 21.12.2020 was never issued by her and the stamp of the Gram Pradhan affixed therein is forged. The statement of Village Pradhan Shanno Devi recorded by the Station House Officer was also enclosed with this document.

46. On receipt of the aforesaid documents, a Show Cause Notice was issued to the applicant and the applicant denied the same, therefore, vide Annexure R-5 letter dated 24.03.2021, the documents were re-submitted to the District Magistrate, Shahjahanpur for re-verification along with the enclosures. The Rajputana Rifles also resubmitted the documents to the District Magistrate vide Annexure R-7. All the documents submitted for verification along with the enrolment form etc. after verification were forwarded to the Rajputana Rifles by the office of District Magistrate, Shahjahanpur on 08.07.2021 and in the reply received on 04.08.2021 and the certificate enclosed therewith, it was stated that the applicant is a permanent resident of Village Bhadangpur, PS Babugarh, District Hapur, UP and has stayed in Village Bhudely, Tehsil Kalan District,

Shahjahanpur as a tenant only for three to four years. The Office of the Deputy District Officer General Residence Certificate, UP issued a certificate dated 04.05.2018 in Hindi vide Annexure R-8 available at page 25 of the reply wherein it is indicated that Gaurav Singh S/o Shri Bachu Singh and Smt. Brijesh is a resident of Uttar Pradesh and his present address is V&PO Bhudely, Police Station Kalan, Teh. Kalan, District Shahjahanpur (UP). This is not a domicile certificate nor a valid document based on which the issue can be decided. This document is contrary to the verification report submitted by the Police Authorities and the statement of the Village Pradhan and, therefore, does not seem to be an authentic or proved document.

47. The respondents have also brought on record certain documents vide Misc. application bearing No.2664/2025 which includes form No.1, the enrolment form submitted by the applicant and in information sought vide para 3-C to the question where you were born, the applicant Gaurav Kumar s/o Bachu Singh indicates his place of birth as Village Bhudely and in answer to queries made vide para 8 as to what is your village Post Office, Telegraph Office or Thana and District, the applicant again mentioned village Bhudely, Post Office Bhudely Pin Code 242001, Police Station Kalan Teh. Jalalabad and District Shahjahanpur.

48. In the enrolment form bearing the signature of the applicant all information given by him is attested by the Record Officer and the applicant gave a declaration on 22.03.2023 in his own hand writing in Hindi vide Annexure A-3 and said that “the Pradhan and my relationships are bad and, therefore, the Pradhan has given a wrong certificate and denying the certificate issued by her”.

49. The respondents had argued that they have taken action against the applicant in view of the fact that the applicant has given false declaration with regard to his permanent residence at the time of enrolment. In the enrolment he stated that he was born in Village Bhudely and is a resident of the said village whereas on police verification it was found that he was not a permanent resident of that village. He has obtained a false domicile certificate from the Pradhan. He was only a tenant who stayed in that village for three to five years and obtained employment through recruitment office Bareilly based on false declaration.

50. We have heard learned counsel for the parties and perused the records. The facts as detailed hereinabove are all admitted. However, the issue is as to whether based on the facts that have come on record a finding can be recorded that the applicant obtained appointment by

submitting false and fabricated documents and, therefore, the action taken by the respondents are in order or not. The first contention of learned counsel for the applicant was that the officers of Police Station, Kalan had instituted a complaint case against the applicant on 07.10.2022 in the Court of Chief Judicial Magistrate, Shahjahanpur for offence under Section 420, 467, 468, 477 IPC (Annexure R-I). The order sheet of the proceedings held in criminal case 481/2021 by the Chief Judicial Magistrate, Shahjahanpur on 06.03.2024 which goes to show that on 01.03.2024 a statement on affidavit was given by the Sub Inspector of Police Station Kalan indicting Police verification received from the Rajputana Rifles on 16.08.2021 mentioning about the wrong address and details given by the applicant fraudulently to obtain service. The matter was investigated and it is found that Gaurav Singh S/o Bachu Singh is a resident of the Village in question, therefore, he has submitted a closure report after investigation for closing the matter and on 21.04.2023 the closure is ordered by the Magistrate on the ground that no evidence has been produced with regard to the complaint and the final report was submitted by the CJM on 21.04.2023.

51. The applicant argued that in the criminal trial conducted he has been acquitted of all the charges and, therefore, the order of

discharge should be withdrawn. However, from the records we find that the order annexure A-2 collectively available at page 6, 7 and 8 of the written submissions is not an order of acquittal of the applicant. The order is one of closure by the Chief Judicial Magistrate on the ground that from the statement of the investigating officer as he has not been able to produce any evidence and had requested for closure of the matter, the matter is closed. It is surprising to note that the closure report is submitted on 01.03.2024. It was taken up for consideration on 06.03.2024 and on 21.04.2023, the closure is ordered. The applicant was enrolled on 10.09.2020 and on 10.03.2021, the show cause notice was issued to him. The applicant submitted his reply to the show cause notice on 23.03.2021 and much before that the documents filed by the applicant in the OA itself indicate that the police verification was done not only on one occasion but on two occasions. Initially, vide annexure R-1 collectively in the year 2021 when the District Magistrate after investigation received the report of the Station House Officer Dilip Kumar with regard to the fraud committed in the documents. The statement of Smt. Sanno Devi has been filed by the applicant himself in the year 2021 regarding non issuance of any domicile certificate by her on 22.12.2020. When these reports were received, the show cause notice was issued to the applicant on 10.03.2021. The

applicant submitted his reply on 22.03.2021 and after receipt of reply from the applicant the documents were submitted for verification by the Rajputana Rifles again to the District Magistrate and the District Magistrate informed the Army authorities of Rajputana Rifles in August, 2021 vide R-7 that the documents on verification clearly indicate that the applicant is not the permanent resident of village Bhudely and a case of getting employment by fraud and misrepresentation is initiated against the applicant. It is only after the applicant is discharged from service vide order dated 03.08.2021 that in the year 2023 just when the matter was pending before this Tribunal after transfer from the Delhi High Court where the Writ Petition was filed by the applicant on 10.11.2021 that the action was undertaken by the police authorities after about two years to withdraw the case and file the closure report. The closure report does not refer to any of the certificates issued and the verification report submitted by the police authorities. Under these circumstances the so called acquittal of the applicant is a false statement. The only conclusion that can be drawn from the first argument of learned counsel for the applicant is that after the police verification was done and two years after discharge of the applicant, when the matter was pending before the High Court and in fact had been transferred to this Tribunal in the year 2023 an application was

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filed on 01.03.2024 in the form of a closure report and the closure report was obtained within one and a half month on 21.04.2023 which is now said to be acquittal in the criminal case. We are unable to accept this contention. The criminal case was not tried, no investigation/inquiry recording of evidence or trial in the legal sense was conducted and the closure report was submitted by the police authorities only to help the applicant and for adjudication of the present dispute. We see no reason to place reliance on such an acquittal. It is not an acquittal but it is a closure report submitted under Section 173 CRPC on the ground that no evidence is available after investigation. However, the overwhelming document produced on record clearly goes to show that the applicant was not a permanent resident of Village Bhudely. He at best was a tenant residing in that village for three to four years. Even the exact period of his residence in the said village is not proved. On the contrary the documents available on record clearly show that for obtaining service in the Indian Army and to overcome the requirement of being resident of a particular area, the applicant produced documents which were false and fabricated, mislead the army authorities and obtained appointment by misrepresentation and fraud.

52. In the case of *Rajasthan Rajya Vidyut Prasaran Nigam Ltd.* (supra) the Hon'ble Supreme Court had occasion to consider the

effect of an employee submitting false information and the question of credibility and trustworthiness of such an employee and his act of submitting declaration and verification at the time of employment has been discussed and in para 14 the principle laid down reads as under:-

“14. The issue/question may be considered from another angle, from the employer’s point of view. The question is not about whether an employee was involved in a dispute of trivial nature and whether he has been subsequently acquitted or not. The question is about the credibility and/or trustworthiness of such an employee who at the initial stage of the employment, i.e., while submitting the declaration/verification and/or applying for a post made false declaration and/or not disclosing and/or suppressing material fact of having involved in a criminal case. If the correct facts would have been disclosed, the employer might not have appointed him. Then the question is of TRUST. Therefore, in such a situation, where the employer feels that an employee who at the initial stage itself has made a false statement and/or not disclosed the material facts and/or suppressed the material facts and therefore he cannot be continued in service because such an employee cannot be relied upon even in future, the employer cannot be forced to continue such an employee. The choice/option whether to continue or not to continue such an employee always must be given to the employer. At the cost of repetition, it is observed and as observed hereinabove in catena of decision such an employee cannot claim the appointment and/or continue to be in service as a matter of right.”(Emphasis supplied)

53. The issue has been considered in detail in various judgments by the Hon’ble Supreme Court and it is a well settled principle of law that suppression of relevant information or submission of false information in the verification form and information pertaining to character, antecedent etc. at the time of appointment is a very important aspect pertaining to appointment. The purpose of such

verification is to ascertain and satisfy the employer that the person being appointed is suitable for appointment to the post in question. It gives confidence to the employer to engage and appoint such a person. It gives an input with regard to the character and antecedent of the person and help the employer in judging his suitability or unsuitability for the post. Information given by the employee to the employer while entering into the service must be true in all respect. There should not be any suppression or false mention in any of the documents submitted. In case there is a suppression or false information with regard to any information submitted in the verification form which later comes to the knowledge of the employer to be incorrect, the conclusion and the confidence of the employer gets shaken and it is well within the right of the employer to terminate the service of such an employee. No employer will have confidence in such an employee, particularly when the employment is to the Armed Forces or Para Military Force. This is the principle of law culled out by the Supreme Court in various cases, namely *Avtar Singh vs. Union of India and Ors.*, (2016) 8 SCC 471, *Daya Sankar Yadav Vs. Union of India and Ors.* (2010) 14 SCC 103, *Sandeep Kumar Vs. Commissioner of Police and Ors.* (2006) SCC Online Delhi 834, and catena of judgments wherein the consistent view has been that in the matter of taking action against an employee for

suppressing information given in a verification form, the nature of action to be taken would depend upon the nature of employment, the nature of suppression made and the confidence required for an employer to have faith in engaging such an employee in service and when it comes to engagement into Armed Forces or Para Military Forces, the level of confidence increases to a very high degree and a high degree of honesty is required and any suppression, even of a minor nature, can be viewed seriously and an employer may not have confidence in engaging such a person. If the case in hand is scrutinized and analyzed in the backdrop of the principle of law, well settled, as detailed hereinabove, it is a case where the applicant has suppressed material information from the employer at the time of submitting his verification form. The applicant was being recruited in the Indian Army. The character antecedents and the level of honesty and dedication required to be exhibited by a person who is seeking employment in the Indian Army has to be of the highest standard and if on verification, it is found that the applicant has misrepresented and committed a fraud while seeking employment, this Tribunal in exercise of its statutory powers cannot impose such an employee on the Armed Force and in coming to a conclusion that the applicant is not fit to be retained in service and holding him to be a person who would not become a good soldier and exercising the powers under

Rule 13, if the army authorities have chosen to dismiss the applicant this Tribunal does not find any ground to interfere into the matter.

54. Rule 13 of the Army Rules of 1954 formulated under the Army Act of 1950 permits termination of service of an employee and if the competent authority while exercising the powers comes to the conclusion that such a person would not become a good soldier, he can be discharged from service on the aforesaid rule. In taking action against the applicant and discharging him under the aforesaid rule the authorities have not committed any error warranting interference.

55. The facts and report submitted on verification of the enrolment rolls by the military authorities in OA No.1112/2023, TA No.5/2023, TA No.6/2023 and TA No.7/2023 also indicate similar position. In all these cases the applicants had submitted their address showing them to be resident of various villages or areas in the District of Bareilly, UP. However, after their recruitment when the documents were sent to the police authorities and the District Magistrate of Bareilly, in each of the case, it has come on record on police verification that the applicants are not the permanent resident of the district of Bareilly. Instead, they are having some temporary residence in the District of Bareilly. They are the permanent resident

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of some other district and, therefore, based on the police verification received by the army authorities, action has been taken in all the cases.

56. The legal issue and factual issue already been discussed by us in detail hereinabove with regard to the facts of TA No.3/2023. The other cases also indicate a similar factual position.

57. In TA No.5/2023, after verification of the records on three occasions from the office of the District Magistrate, Bareilly the Deputy Magistrate and the Senior Superintendent of Police vide their communication received have clearly indicated that the applicant is not a resident of District of Bareilly but he is a resident of District of Bulandshahar and since he was residing in a rented accommodation in Mohalla Choudhary Sarai Badaun, he was entitled to be considered for appointment. However, the final verification report forwarded by the District Magistrate Badaun, on 24.10.2020 and again on 01.02.2021 records a finding that the applicant was not a resident in the address mentioned in the verification roll and even after show cause notice it has been found that the applicant was a resident of District Bulandshahar and not entitled to appointment as the recruitment, in question, was exclusively for persons residing in a particular district to which the applicant did not belong.

58. Similarly, in TA No.6/2023 also when the verification roll was forwarded to the District Magistrate, Badau for verification of the residence of the applicant and as per the verification report and investigation conducted by the Superintendent of Police on 21.01.2022, the applicant was found to be not a resident of the address given in the verification roll. After issuance of the show cause notice, the matter was again forwarded to the DM badau for re-verification and on the second time, the DM Badau vide letter dated 28.06.2021 reiterated his earlier adverse report and after inquiry by the Superintendent of Police conducted on 16.06.2021, it was found that the person was not living in the address given in the verification roll. An FIR was lodged and criminal case was instituted against the applicant and action taken. Similarly in TA No.7/2003 also the verification roll of the applicant was sent to District Magistrate Farukhabad on 24.10.2020 in response thereto again the report received indicate that the applicant was not a resident of the address given in the verification roll but he was a resident of village Nagal Kheri PS Khubhasn Bhar District Saharanpur. Again, a second verification was forwarded in February and June, 2021 to the District Magistrate and the same report was received indicating that the petitioner has completed his primary education and was not resident

of the area in question. He was a temporary resident staying in a rented accommodation in Mohalla Islam Nagar Nawabganj, District Bareilly. On re-verification the claim of the applicant was found to be incorrect and the inquiry report by the District Magistrate and the police authorities indicate that the applicant was not a resident of the recruiting area i.e. District Bareilly.

59. In all the cases identical scenario exist. In the verification roll submitted by the applicants they gave an address to indicate that they were a resident of district of Bareilly but on verification from the District Magistrate and the police authorities in each of the cases the reports received from the District Magistrate and the Superintendent of Police gave a categorical finding that the applicant in each of the case was not a permanent resident of District Bareilly but had temporarily shifted his residence to District Bareilly, was staying in a rented premises and it was the contention of the military authorities that this was done only to gain the advantage of showing each of the applicant to be resident of District of Bareilly, the recruiting area to seek appointment whereas in each case as is evident from the documents available on record and the facts discussed hereinabove the permanent residence of each of the applicant was somewhere else and not within the recruiting area of Bareilly and as the recruitment

was exclusively for residents of a particular recruiting area, finding the details of residence given in the verification roll to be incorrect impugned action has been taken.

60. Records in each case goes to show that multiple verification were done by the military authorities by referring the matter to the District Magistrate who in turn got the facts verified through the office of Senior Superintendent of Police and there are evidence to show that on re-verification by the military authorities the final outcome in each of the case was that the applicant was not a permanent resident of District of Bareilly but has somehow shown himself to be a resident of District Bareilly whereas in fact he was only temporarily residing in a rented premises whereas his permanent residence was in some other district.

61. In our considered view, these are clear findings of fact made out from verification roll of each applicant through the District Magistrate and the Superintendent of Police and there is nothing to disbelieve the verification done not only on one occasion but on multiple occasion i.e. two to three times and these indicate that on police verification the address given by each of the applicant in the verification roll was incorrect.

62. In our considered view, for the detailed discussions based on legal principles made by us with regard to TA 3/2023, Ex Recruit Gaurav Kumar and the judgments relied upon therein similar position exists in each and every case which were argued on similar lines as was submitted by Mr. Kakkar in the case of Gaurav Kumar and we see in each of the case there are material available on record to show that each of the applicant to take advantage of the recruitment process produced false and fabricated document with regard to their residence and on proper verification the same having been found to be correct respondents have taken action in accordance with law and the principles well settled in such matters by the Hon'ble Supreme Court. Accordingly, we find no case for interference in the matters.

63. All the OAs are, therefore, dismissed. All pending MAs stand closed. No order as to costs.

64. Pronounced in open Court on this the 14 day of October, 2025.

[Rear Admiral Dhiren Vig]
Member(A)

[Justice Rajendra Menon]
Chairperson

/vb/