
procedure. Shir Hemant Kumar, learned counsel, appearing on behalf of the respondents, made an attempt, but in vain, by drawing our attention to the instructions (R. 3). In our considered view these instructions cannot supersede the law of the land and any instructions contrary to the established law have to be ignored.”

(10) In view of what has been observed above, we are of the opinion that respondents are not justified in withholding the promotion of the petitioner as Assistant Grade-I with effect from 18th September, 1991. Consequently we allow this writ petition and direct the respondents to promote the petitioner as Assistant Grade-I with effect from 18th September, 1991 with all consequential benefits. Let these directions be carried out within a period of two months.

(11) A copy of this order, attested by the Special Secretary of this Court, be given to the learned counsel for the respondents for onward transmission to the concerned quarters.

S.C.K.

Before Amar Bir Singh Gill, J

ANAND SINGH DANGI,—*Petitioner*

versus

STATE OF HARYANA—*Respondent*

CRIMINAL MISC. No. 16172/M of 2000

8th June, 2000

Code of Criminal Procedure, 1973—S. 438—Indian Penal Code, 1860—Ss. 218, 406, 409, 418, 420, 467, 471 & 120-B—Prevention of Corruption Act, 1988—S. 13(i) (d)—Displaced Persons (Compensation and Rehabilitation) Act, 1954—S. 2 (e)—F.I.R. against an Ex. Revenue Minister of Haryana & others on the allegations of glaring irregularities/illegality in the allotment of land to persons not entitled to under the 1954 Act—Minister approving allotments to his favourites, causing wrongful loss to the State by misusing his official status and amassing unaccounted wealth disproportionate to his known sources of income—Fake allotments made without following the norms and procedures prescribed under the 1954 Act and the rules framed thereunder—Custodial interrogation of such accused is necessary to collect information and the material which otherwise would remain concealed—Ex-Minister not entitled to concession of anticipatory bail—

Other accused persons being partners to the criminal conspiracy also do not deserve such concession—Petitions dismissed.

Held, that the petitioner allegedly by passed all the norms and procedures prescribed under the Act and the Rules framed thereunder, for allotment of land to the displaced persons and allegedly amassed crores of rupees. In view of the allegations against all these petitioners showing *inter se* connection and they being partners to the criminal conspiracy, it is not safe to consider their cases out of context for the purpose of concession of anticipatory bail. The allegations as contained in the FIR do not call for separating the cases of the remaining three petitioners from the rest of their associates for the offences allegedly committed by them jointly. Their custodial interrogation is necessitated to find out, who had executed the general power of attorneys in their favour and where these power of attorneys were presented by them, as a result of which forgery was committed and also to further find out, how the Assistant Registrar fell prey to their designs of processing false cases by not verifying the correctness of their claim or the power of attorneys.

(Para 12)

Further held, that the allegations against the petitioner are of amassing unaccounted wealth disproportionate to his known sources of income besides the offences in respect of criminal breach of trust, cheating the State whose interest he was duty bound to protect, forgery for the purpose of cheating and using as genuine the forged documents which were known to be forged and more importantly the corruption etc. All these are serious offences. There cannot be any direct evidence of criminal conspiracy and the same is to be inferred from the acts and conduct of the accused persons in such like cases. The custodial interrogation of such accused is must to collect information and the material which otherwise remain concealed. In cases of corruption at high places, an order of anticipatory bail cannot be granted unless some very compelling circumstances are made out for such concession to the accused persons.

(Para 13)

H.S. Hooda, Sr. Advocate with Gurminder Kaur, Advocate and
Baldev Singh, Sr. Advocate with Amandeep Singh, Advocate—
for the Petitioner.

M.L. Sarin, AG Haryana with Amarjit Singh, Addl. AG
Haryana—*for the State.*

JUDGMENT

Amar Bir Singh Gill, J

(1) This order will dispose of Criminal Miscellaneous petitions 16172-M, 16156-M, 16963-M and 16968-M of 2000 as the petitioners in all these four cases are accused in one and the same First Information Report No. 3, dated 8th April, 2000, under sections 218, 406, 409, 418, 420, 467, 468, 471, 120-B of the Indian Penal Code and Section 13(i) (d) of the Prevention of Corruption Act, 1988 registered at Police Station, State Vigilance Bureau, Ambala Range, Ambala. The petitioners are sought to be arrested in the aforesaid case on the allegations contained in the said First Information Report, which run as under :—

“To the SHO, State Vigilance Bureau, Ambala. Sir, the investigation in compliance of the investigation memo dated 7th March, 2000 issued by Financial Commissioner-cum-Secretary, Vigilance Department, Government of Haryana,— *vide* which a case has been registered, has been handed over to R.K. Bachcher, IPS, IG, Vigilance, Haryana, Chandigarh by the Director Vigilance Haryana. The investigation is based upon the UO issued on 26th November, 1999 bearing No. 12687/ARH by Special Secretary Rehabilitation Department, Government of Haryana. The allegations in the said UO were that land measuring 1329 acres has been wrongly allotted in 172 cases starting from 1st January, 1995 to 21st June, 1996 to different persons by Rehabilitation Department. In 32 cases out of 172 cases the then Revenue Minister by passed the procedure laid down by rules and summoned the file directly from Tehsildar sales Ambala and got the allotment made by misusing his influence. During the investigation of the allegation, it was found that the Rehabilitation Department Government of Haryana, has allotted 1405 acres and 14 marlas of land to 95 persons at different places from 1st January, 1995 to 21st June, 1996. During investigation it has been found that almost in all the cases whosoever displaced person from West Pakistan, filed the claim of his land, his claim was not verified properly. In some cases the actual claimant has been shown dead and some other person has filed the claim, claiming himself the legal heir of the deceased. In all such cases, it has been found that the LR's have filed their affidavit only claiming themselves as heirs of the deceased. Shri Didar Singh, Tehsildar Headquarter and AR

decided the claims of the claimants on the basis of the affidavits and Power of Attorney and issued UO to Tehsildar Sales, Ambala. Shri Didar Singh did not verify the LRs of the deceased before issuing UO. Jagdish Rai, Tehsildar Sales-cum-MO Ambala issued the allotment chit to the relevant person holding General Power of Attorney. Before the issuance of allotment chit, allotment proposal was prepared by Mrs. Anati Rani, allotment Kanoongo and allotment proposal was accepted by Jagdish Sharma the then Tehsildar sales and sent the file to Anand Singh Dangi the then Revenue Minister. It has been revealed in investigation that almost in all the cases, the allotment chit was issued by Shri Jagdish Sharma on the same date, the file was seen by Anand Singh Dangi. Shri Anand Singh Dangi summoned all these files directly from Shri Jagdish Sharma, Tehsildar sales, while it should have been processed through Joint Secretary Rehabilitation Department, Government of Haryana. It has been discovered in investigation that out of 24 cases, in 10 cases Ishwar Chand son of Shanti Sarup caste carpenter, in two cases Narender son of Amin Chand Ex Sarpanch and in one case Satish Kumar brother of Narender r/o v. Ujjala Distt. Ambala are holding the power of attorney. In investigation, it has been found that Shri. Anand Singh Dangi, the then Revenue Minister in conspiracy with Didar Singh, Tehsildar Sales, Headquarter Haryana, Chandigarh, Jagdish Rai Tehsildar (retired) Sales, Ambala, Narender s/o Amin Chand, Ishwar s/o Shanti Sarup, Satish s/o Amin Chand, abused his office and approved allotment made to his favourites by calling the files directly from Jagdish Rai, Tehsildar Ambala with the purpose to give wrongful gain to himself and to other bogus allottees. Shri Anand Singh Dangi knew it well that instead of protecting the interest of State he was allowing wrongful gains to Bogus allottees on the basis of bogus power of attorneys and by making employees of office of Tehsildar Sales to prepare bogus record and thus was causing wrongful loss of crores of rupees to State Government and used bogus document as real out of malice and thus the above said Ex. Minister Anand Singh Dangi, Didar Singh Tehsildar sales, Ambala (retired) Narender Singh, Narish Kumar s/o Amin Chand, Ishwar s/o Shanti Sarup were found committing offence under section 218, 406, 409, 418, 420, 467, 468, 471, 120-B IPC with Section 13 (i) (D) of PC Act 1988 in investigation and resultantly enquiry report was sent to Haryana Government suggesting registereation of case against them and now,—vide

Government letter No. 30th March, 1999/3 vigilance (i) dated 7th March, 2000, the order has been received to register the case against the above mentioned persons under above mentioned offences. After registration of the case, the investigation file along with record of the case, be handed over to SP Vigilance, Ambala. Copies of FIR be sent to Incharge Magistrate Ambala and higher officers. Besides these 24 cases, in other several cases bogus allotment, of land has been made. Same be investigated. Sd./- DSP Vigilance, Ambala dated 8th April, 2000.”

(2) At the relevant time, Anand Singh Dangi was Revenue Minister of Haryana. As per the allegations contained in the F.I.R., he was instrumental in allotment of land measuring 1329 acres wrongly, in 172 cases from 1st January, 1995 to 21st June, 1996 to different persons by the Rehabilitation Department and in 32 out of 172 cases, the he by passed the procedure proscribed for allotment of land by summoning the files directly from the Tehsildar Sales, Ambala and got the allotment made by misusing his influence. Land measuring 1405 acres and 14 marlas was allotted to 94 persons at different places from 1st January, 1995 to 21st June, 1996 and in almost all the cases whosoever claiming himself to be a displaced person from West Pakistan filed claim for allotment of land, his claim was not verified properly. In Some cases the actual claimant was shown to be dead and some other person filed claim as legal heir of the deceased. In all such cases, the claim was allegedly filed on the basis of affidavits of the legal representatives. After the allotment proposals were made, the file was sent straight to Anand Singh Dangi and he made his endorsement on every file of allotment and allotment chits were issued on the same day. Anand Singh Dangi summoned all these files directly from the Tehsildar Sales whereas the files should have been processed through the Joint Secretary of the Rehabilitation Department of the Government of Haryana. It was found that out of 24 cases, in ten cases Ishwar Chand son of Shanti Sarup, in two cases Narinder Kumar son of Amin Chand Ex. Sarpanch, (Petitioner in Criminal Misc. No. 16968-M of 2000) and in one case Satish Kumar brother of aforesaid Narinder Kumar were holding power of attorneys. Druing investigation, it was found that Anand Singh Dangi in conspiracy with Didar Singh, Tehsildar Sales, Jagdish Rai Tehsildar Sales, Ambala, Narinder, Ishwar Chand and Satish, abused his office and made allotments to his favourities by calling the files directly from these officials with a view to give wrongful gain to himself and to other bogus allottees knowing fully well that it was against the interest of the State. He allowed wrongful gains to the allottees on the basis of bogus power of

attorneys by getting prepared bogus record from the Tehsildar Sales and thus caused wrongful loss to the State Government.

(3) Petitioner Anand Singh Dangi claims that he is being involved in the above case falsely on account of his political victimisation at the hands of the present Chief Minister who is personally inimical to him. Further case of this petitioner is that he contested by-election from Meham Assembly Constituency against Shri Om Parkash Chautala, the present Chief Minister of Haryana in February, 1990 and on account of rigging the said by-election was countermanded by the Election Commission. Again in the month of May, 1990, he contested the by-election against Shri Om Parkash Chautala, but since an independent candidate, Amir Singh contesting the said by-election was murdered, the by-election was again countermanded and for this incident of murder, the petitioner Anand Singh Dangi and his brother were named as the assailants and when the police came to arrest him at his house at the behest of Shri Om Parkash Chautala, an attempt, was made to kill him in his house. The police opened fire as a result of which his servant Kishan Chand and two other persons were shot dead and many were injured. The Government of India ordered a judicial enquiry into the incident leading to the murder of Amir Singh. Justice K.N. Saikia, a retired Judge of the Hon'ble Supreme Court was appointed as Inquiry Commission who submitted his report against the police and Shri Om Parkash Chautala. However, no follow-up action was taken and ultimately, petitioner Anand Singh Dangi filed a writ petition seeking a direction to the State of Haryana for taking follow-up action on the inquiry report.

(4) The further case of petitioner Anand Singh Dangi is that the allegation of illegal allotment of land as alleged in the F.I.R. aforesaid cannot be attributed to him because the claims for allotment of land were to be verified by the authorities appointed under section 2(e) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 and the orders passed by such authorities were quasi judicial in nature which were appealable, revisable and even could *suo moto* be rectified by the appellate authority. If some illegal or wrong orders were passed by the authorities, the remedy to the aggrieved person against that action is available under the Act itself. Anand Singh Dangi further claims that he has not passed any order pertaining to any allotment of the land and the orders of allotment of land to the displaced persons have been passed by the authorities concerned. He further claims that there are no allegations against him that he obtained illegal or unauthorised gains from such allotments. It was lastly stated that the petitioners approached the court of Sessions for grant of anticipatory

bail but their applications were dismissed. A copy of such order dated 10th May, 2000 passed in the case of Anand Singh Dangi is available on record of Criminal Misc. No. 16172-M of 2000 as Annexure P-2.

(5) The primary allegations against the remaining three petitioners are that Narinder Kumar aforesaid, holding power of attorney preferred claim for allotment of land. His brother Harish Kumar (petitioner in Crl. Misc. No. 16956-M of 2000) also filed claim on the basis of power of attorney whereas Ishwar Chand, who was a Driver, also filed claim for allotment of land on the basis of General Power of Attorney whereas Rajinder Krishan (petitioner in Crl. Misc. No. 16963-M of 2000) was initially working as Reader to Didar Singh, Assistant Registrar-cum-Tehsildar Sales Headquarter, Chandigarh from July, 1995 to 31st December, 1995 and on the retirement of Didar Singh, the petitioner Rajinder Krishan worked as Assistant Registrar from 15th January, 1996 to 2nd June, 1997. During this period, a number of claims filed by various persons were processed in great haste and without verification of entitlement and identity of the claimants nor the relationship of the claimants with their general attorney was verified. Petitioner Rajinder Krishan being posted as Assistant Registrar was required to complete all these legal formalities.

(6) In response to the notice issued in all these petitions, the State chose to file reply to the petition filed by Anand Singh Dangi only. In the reply, it was stated that petitioner Anand Singh while being Revenue Minister of Haryana called the files directly from the office of the Tehsildar to approve allotments to his favourites and thereby causing wrongful loss to the State and the genuine claimants and gaining himself wrongfully. It was further stated that the petitioner was in fact, the head of the whole 'racket' which included Didar Singh, Tehsildar Sales, Chandigarh, Jagdish Rai, Tehsildar Sales, Ambala, Narinder son of Amin Chand, Ishwar son of Shanti Swaroop and Satish son of Amin Chand. During the enquiry, land measuring 1329 acres was found to have been wrongly allotted in as many as 172 cases during the period 1st January, 1995 to 21st June, 1996, and in as many as 32 out of such cases, the petitioner Anand Singh Dangi had bypassed the rules laid down under the Act and got the allotments made by misusing his official powers in the name of bogus persons. Specific instances have been quoted in the reply in that behalf. It was highlighted that in the cases of Gangi Bai, Jai Singh, G.D. Sharma and Shyam Sunder the allotments were made only after the files were submitted to petitioner Anand Singh Dangi by the Tehsildar Sales. Besides the claims were transferred and allotments of land were made there as desired by him.

(7) It was further stated that it also came to be known that Harish Kumar and Narinder Kumar who are brothers, on the basis of faked General Power of Attorneys in their favour successfully obtained allotment of land and Rajinder Krishan Tehsildar Sales did not verify their entitlement as well as the identity and the relationship of the claimants, while processing the cases for allotment of land in their favour.

(8) As per the allegations, it was in the year 1995 that some persons came forward suddenly and filed their claim before the Managing Officer for allotment of land in respect of their unsatisfied claims and in some cases since the special cuts imposed under the orders of the earlier Revenue Minister were quashed by the Hon'ble Supreme Court, the claims were filed in respect of the land denied to them because of special cut earlier in force. These cases were processed by the officials of the Rehabilitation Department who are accused in this case, with haste and without proper verification of entitlement, identity of the claimants or their relationships with the original claimants. In some cases rather, the claims were settled in favour of the General Power of Attorney holders without even making any verification. As mentioned earlier land measuring 1329 acres was allotted illegally and it came out that the persons named in the F.I.R. acted in pursuance to criminal conspiracy, hatched up at the instance of the then Revenue Minister Anand Singh Dangi. As a consequence thereof, illegal, irregular and fake allotments were made with ulterior object of making wrongful gains and causing wrongful loss to the State by fabricating the claims and also on the basis of illegal allotments.

(9) Heard learned counsel for the parties. Admittedly, the petitioner Anand Singh Dangi was the Revenue Minister in the years 1995 and 1996 when allotment of land to displaced persons was made by the Rehabilitation Department. A question was raised in the Haryana Assembly by the then M.L.A., Shri O.P. Beri regarding irregularities in the matter of allotment of land by the Rehabilitation Department. Lateron, the next Government headed by Shri Bansi Lal as Chief Minister came in power in the year 1996. The matter was again agitated and consequently, an inquiry was conducted into the entire episode by Shri Bhagwati Parsad, Commissioner Ambala Division, under the orders of the State Government. The Commissioner submitted his report and pointed out certain irregularities and instances of mala fide exercise of official powers as indicated in the reply. The Commissioner conducted inquiry case-wise and found that certain persons totally unconnected with the claims appeared on the scene and as also their Attorneys. Some of these Attorneys were

common in many cases and there was no proper verification of the L.Rs. Neither Succession certificates were obtained nor any other verification was sought or secured. He further submitted in the report that lands were allotted in the jurisdiction of sale units different from the sale units under which the claimant resided. Even the approval of the Chief Settlement Commissioner was not obtained while transferring the claim from one sale unit to the another and there was no reason as to why the files were put up or called for by Anand Singh Dangi, the then Revenue Minister, from the Tehsildar (Sales)-cum-Managing Officer, Ambala. He concluded in his report that, "it will not be wrong to assume that 'racket' like operation was carried out in the allotments in these cases." The enquiry aforesaid was conducted much earlier to the coming to power of Shri Om Parkash Chautala as Chief Minister and the allegation of petitioner Anand Singh Dangi that he is being victimised on account of political rivalry with the present Chief Minister remains the allegation only. The allotments were being agitated since 1995 onwards by the representatives of the people before the State Government repeatedly in the year 1995 and 1996. Admittedly, the petitioner did not stand in the hierarchy of the authorities appointed under the Act *ibid* to pass orders or to transfer the allotment claims unless he had some valid reasons, but Anand Singh Dangi in his capacity as Revenue Minister called for every allotment file and approved the proposals whereafter the allotments were made on the same date. One of such cases is the case of Jai Singh. He was allotted additional area to the extent of 8.12/1/2 standard acres by the Tehsildar Sales and the claim was transferred to Ambala district as allowed by the then Revenue Minister Anand Singh Dangi by his order dated 3rd November, 1995. The Joint Secretary, Rehabilitation, however, directed on 6th November, 1995 that the transfer application be put up with the details of the land available in Ambala district. But the case was never put up to him and rather U.O. was issued on 13th November, 1995 that an area measuring 8.12/1/2 standard acres be provided to the allottee in the sale unit as desired by the Hon'ble Revenue Minister. The case was submitted to Anand Singh Dangi petitioner directly by the Tehsildar Sales Ambala as per his note dated 15th November, 1995 and this allotment was made in violation of the instructions. Similarly, in the case of Shyam Sunder, an additional area of 2.9/1/2 standard acres was allowed in the name of Aishi Ram son of Devi Ditta and his claim was transferred from Hisar to Ambala district as allowed by the petitioner on 6th November, 1995. This case was not put up before the Joint Secretary, Rehabilitation despite his directions and rather the Tehsildar Headquarter ordered that this much area be provided to the allottee in the sale unit Ambala as desired by the Hon'ble Revenue Minister. It was in more than 26 cases that

the record of files was directly submitted to petitioner Anand Singh Dangi for allotment of the land and in a number of cases where there was not even an apparent relationship between the L.Rs. and their attorneys, or between the attorneys and the allottees, transfers were allowed from one sale unit to another sale unit by petitioner Anand Singh Dangi himself who is said to have amassed crores of rupees illegally, allegedly by committing the aforesaid irregularities and bypassing the procedure prescribed under the Act.

(10) It is contended by Shri H.S. Hooda, Senior Advocate, appearing on behalf of petitioner Anand Singh Dangi that it is hardly a case for custodial interrogation. He further contended that no offence is made out against the petitioner from the allegations contained in the F.I.R. Shri Baldev Singh, Senior Advocate appearing on behalf of the remaining three petitioners vehemently argued that no case is made against petitioners Narinder Kumar, Harish Kumar and Rajinder Krishan and they need not be required for custodial interrogation. On the other hand, Shri M.L. Sarin, Advocate General, Haryana stoutly argued that the petitioners do not deserve the concession of anticipatory bail as they in conspiracy with each other have usurped crores of rupees belonging to the Government and they were instrumental in making allotment of land with a view to give wrongful gain to themselves and to cause loss to the State exchequer and the genuine claimants. He further stated that custodial interrogation of the petitioners is the only effective alternative to detect the *modus operandi* exercised by the petitioners in these petitions.

(11) The offences allegedly committed by petitioner Anand Singh Dangi pertain to misuse of his official status as a Revenue Minister. It is well settled by now that in cases of corruption against influential persons, custodial interrogation is must, as the protected interrogation is merely a ritual. The Constitution Bench of the Hon'ble Supreme Court in *Gurbaksh Singh Sibbia v. State of Punjab* (1) cautions the Court to exercise its judicial discretion wisely while passing an order under section 438 of the Code of Criminal Procedure, in the following words :—

“A wise exercise of judicial power inevitably takes care of the evil consequences which are likely to flow out of its intemperate use. Every kind of judicial discretion, whatever may be the nature of the matter in regard to which it is required to be exercised, has to be used with due care and caution. In fact, an awareness of the context in which the discretion is required to be exercised and of the reasonably foreseeable consequences

(1) 1980(2) S.C.C. 565

of its use. In the hallmark of a prudent exercise of judicial discretion, one ought not to make a bugbear of the power to grant anticipatory bail :—

(12) In the matters like the one in hand, the foremost factor for which regard must be had is the magnitude of the criminal conspiracy and the meticulousness with which it was implemented. In the instant cases, petitioner Anand Singh Dangi allegedly bypassed all the norms and procedures prescribed under the Act and the Rules framed thereunder, for allotment of land to the displaced persons and allegedly amassed crores of rupees. In view of the allegations against all these petitioners showing *inter se* connection and they being partners to the criminal conspiracy, it is not safe to consider their cases out of context for the purpose of concession of anticipatory bail. The allegations as contained in the F.I.R. do not call for separating the cases of the remaining three petitioners from the rest of their associates for the offences allegedly committed by them jointly. Their custodial interrogation is necessitated to find out, who had executed the general power of attorneys in their favour and where these power of attorneys were presented by them, as a result of which forgery was committed and also to further find out, how Rajinder Krishan Assistant Registrar fell prey to their designs of processing false cases by not verifying the correctness of their claim or the power of attorneys.

(13) The allegations against Anand Singh Dangi are of amassing unaccounted wealth disproportionate to his known sources of income besides the offences in respect of criminal breach of trust, cheating the State whose interest he was duty bound to protect, forgery for the purpose of cheating and using as genuine the forged documents which were known to be forged and more importantly the corruption etc. All these are serious offences. There cannot be any direct evidence of criminal conspiracy and the same is to be inferred from the acts and conduct of the accused persons in such like cases. The custodial interrogation of such accused is must to collect information and the material which otherwise remain concealed. In cases of corruption at high places, an order of anticipatory bail cannot be granted unless some very compelling circumstances are made out for such concession to the accused persons. Since the allegations are there, in some of the cases where the allottees have been allotted land at the behest of the petitioner, it is to be found out as to who is the real gainer in these allotments. It has also come out that in some cases the land purchased during the package deal by the State itself has been allotted. All these allegations require effective interrogation of the petitioners so as to find out the involvement of the petitioners and the concerned officials of the Rehabilitation Department in the allotment of the land to the

fake allottees and the wrongful gain made by the accused persons out of such allotment. The contention of the learned counsel for the petitioners that the F.I.R. has been registered after enquiring into the detailed facts in which every case has been gone into and the custodial interrogation of the petitioners is purposeless as nothing is to be recovered from them, has no force. Their contention in the light of glaring irregularities/illegalities in the allotment of land to persons not entitled to under law to get allotment is also without merit. The facts of the case *prima facie* indicate *inter se* connection of the accused persons named in the F.I.R.

(14) In the light of the facts narrated above, no case is made out for concession of bail under section 438 of the Code of Criminal Procedure in favour of the petitioners. The petitions accordingly stand rejected.

R.N.R.

Before R.S. Mongia & K.C. Gupta, JJ

CHANDIGARH ADMINISTRATION AND OTHERS,—*Petitioners*

versus

THE CENTRAL ADMINISTRATIVE TRIBUNAL AND OTHERS—
Respondents

C.W.P. No. 8319-C of 2000

4th September, 2000

Constitution of India, 1950—Art. 226—Government of India instructions dated 26th May, 1986 and 18th/31st August, 1992—Reserved category candidates of respective States applying for the post of A.S.Is in the U.T. Chandigarh—Candidates not belonging to reserved category as notified by the U.T. and their certification also not by an Officer of the U.T.—Whether entitled to seek employment on the basis of reservation in the U.T.—Held, yes—Certification by an Officer of any State regarding a person belonging to reserved category holds good for U.T. unless there is a case of forgery or the like.

Held that the reading of the instructions dated 26th May, 1986 issued by the Government of India takes the matter out of pale of any controversy. It is mentioned in so many words that in respect of employment against any post in a Union Territory, the S.C./B.C./S.T. of any other State in the country would be *ipso-facto* entitled to seek employment on the basis of reservation. This would necessarily mean