

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 13th OF APRIL, 2024

WRIT PETITION No. 16067 of 2019

BETWEEN:-

**MOHANLAL PANTEL S/O SHRI GOPAL SHARAN
PANTEL, AGED ABOUT 51 YEARS,
OCCUPATION: SERVICE HOUSE NO. 527, SHIV
CITY, NEAR BIJALPUR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI L. C. PATNE – ADVOCATE)

AND

**MADHYA PRADESH INDUSTRIAL DEVELOPMENT
CORPORATION INDORE LTD. MANAGING DIRECTOR 1ST
FLOOR, 3/54, PRESS COMPLEX, AB ROAD (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI KUSHAGRA SINGH – ADVOCATE THROUGH V.C.)

.....
*This petition coming on for admission this day, the court passed
the following:*

ORDER

- 1] Heard finally, with the consent of the parties.
- 2] This petition has been filed by the petitioner, who is posted as a Helper, a Class IV employee with the Madhya Pradesh Industrial Development Corporation (hereinafter, MPIDC), under

Article 226 of the Constitution of India against the order dated 05.07.2019, passed by the respondent No.1, Managing Director of the respondent whereby the petitioner's claim for regular increment after his regularization has been rejected.

3] In brief, the facts of the case are that the petitioner was appointed as Helper in the respondent MPIDC, in the year 1991, as daily rated employee and on 23.09.2013, his services were regularized on the post of Helper, and subsequently, the petitioner also submitted his character verification form along with an affidavit to the effect that no criminal case is registered against him. However, when the aforesaid information furnished by the petitioner was verified, it was found in the year 2014 that a case bearing Crime No.543 of 2011 registered at Police Station Banganga under Section 498-A of IPC read with Sections 3/ 4 of Dowry Prohibition Act was pending against him.

4] However, the petitioner was acquitted in the aforesaid criminal case vide judgement dated 31.07.2014. On 02.03.2017, an intimation to this effect was also sent by the concerned police station to the respondent informing that no other case is pending against the petitioner and he has already been acquitted in connection with Crime No.543/2011, in the Criminal Case No.14912 of 2011. Thereafter, the petitioner has submitted a representation for grant of annual increment, but as no orders were passed on the petitioner's representation, he filed W.P. No.6727 of 2019, which was disposed of by this Court on

05.04.2019, with a direction to the respondent to decide the petitioner's representation within three months' time and after the aforesaid order was passed by this Court, the respondent(s) have decided the petitioner's representation vide impugned order dated 05.07.2019, rejecting the petitioner's claim for annual increment(s) on the ground that his character verification has not been subsequently received from the concerned police station on the basis of change circumstances. In the impugned order reference is also made to the letter dated 10.06.2019, through which the further verification of the petitioner's character was sought from the D.G.P. Law & Order, and thus, in the absence of such verification, claim of the petitioner for annual increment has been rejected.

5] Counsel for the petitioner has submitted that the petitioner was involved in a matrimonial dispute, which took place between his son and his wife, which dispute has already been resolved way back in the year 2014, when both of them got divorce by mutual consent vide judgement and decree dated 10.01.2014. It is also submitted that the complainant, the wife of the petitioner's son, in the case registered against the petitioner under Section 498-A of IPC read with Section 3/ 4 of Dowry Prohibition Act has not supported the case of the prosecution, which has also resulted in acquittal of the petitioner vide judgement dated 31.07.2014. Counsel has submitted that looking to the nature of offence and the acquittal of the petitioner from the same, his

application for annual increment ought to have been considered sympathetically, as there was no further necessity to call for the re-verification of the petitioner's character, especially when the concerned Police Station vide its letter dated 02.03.2017 had already informed the respondent that the petitioner has already been acquitted and there is no other criminal case registered against him.

6] In support of his submissions that such trivial matter should not be allowed to influence a person's service, Shri Patne, learned counsel for the petitioner has also relied upon a decision rendered by the Supreme Court in the case of **Ravindra Kumar Vs. State of U.P. and others** reported as **2024 SCC OnLine SC 180**. Attention of this Court has also been drawn towards the relevant paras 31 and 33 of the same. Thus, it is submitted that looking to the nature of offence and the overall consideration of judgement of the acquittal and the fact that the petitioner is a Class IV employee and was afraid of losing his job at the time when he submitted his verification form, the impugned order deserves to be quashed.

7] Counsel for the respondent, on the other hand, has opposed the prayer and it is submitted that no case for interference is made out as the petitioner has deliberately furnished the false information in his verification form and has also submitted a false affidavit filed as Annexure R/1 dated 29.01.2024, in which he, in no uncertain terms has sworn that no criminal case is registered

against him in the entire India as also in Indore and he has never been convicted in any case, nor any warrant or summon has been issued to the petitioner. Thus, it is submitted when the aforesaid affidavit was submitted by the petitioner to the respondent, he was well aware that a criminal case is already pending against him and thus, the respondent was justified in not granting the annual increment to the petitioner.

8] Heard counsel for the parties and perused the record.

9] The facts of the case are not disputed. It is not disputed that the petitioner has made a false verification and submitted a false affidavit regarding a criminal case which was pending against him under Section 498-A of IPC, however, it is also an admitted fact that in the aforesaid case he has already been acquitted vide judgement dated 31.07.2014. It is found that the aforesaid case has arisen out of a matrimonial dispute between the petitioner's son and his wife, in which he was also embroiled by the complainant/wife, which is a common practice followed in such matrimonial dispute where the family members of the husband are also implicated, and the Supreme Court, in catena of judgements have also come down heavily on such practice of falsely implicating the family members of the husband.

10] Thus, taking these factors in to consideration, as also the order passed by the Supreme Court in the case of Ravindra Kumar (supra) paras 31 and 33 of the same read as under :-

“**31]** The nature of the office, the timing and nature of the

criminal case; the overall consideration of the judgement of acquittal; the nature of the query in the application/verification form; the contents of the character verification reports; the socio economic strata of the individual applying; the other antecedents of the candidate; the nature of consideration and the contents of the cancellation/termination order are some of the crucial aspects which should enter the judicial verdict in adjudging suitability and in determining the nature of relief to be ordered.

XXXXXXXXXXXXX

33] On the facts of the case and in the backdrop of the special circumstances set out hereinabove, where does the non³² disclosure of the unfortunate criminal case, (which too ended in acquittal), stand in the scheme of things? In our opinion on the peculiar facts of the case, we do not think it can be deemed fatal for the appellant. Broad-brushing every non-disclosure as a disqualification, will be unjust and the same will tantamount to being completely oblivious to the ground realities obtaining in this great, vast and diverse country. Each case will depend on the facts and circumstances that prevail thereon, and the court will have to take a holistic view, based on objective criteria, with the available precedents serving as a guide. It can never be a one size fits all scenario.”

(Emphasis Supplied)

11] It is found that the petitioner is a Class IV employee and was posted as a Helper with the respondent department, and considering the fact that the case under Section 498A of IPC was registered against him, that too by his daughter-in-law, in which he has already been acquitted, it cannot be said that merely not disclosing the lodging of the aforesaid case against the petitioner would come in his way to claim the annual increment(s). It is apparent that the petitioner has submitted his verification form along with the affidavit under the threat of losing his job, for which under the facts and circumstances of the case, he cannot be

blamed.

12] In view of the same, the petition stands **allowed**, and the **impugned order dated 05.07.2019 is hereby quashed** and the respondent is directed to grant annual increment(s) to the petitioner from the date on which he first became entitled. The amount of annual increment(s) should be paid to the petitioner within four months time from the date of receipt of this order.

13] With the aforesaid, the petition stands **allowed** and **disposed of**.

(SUBODH ABHYANKAR)
JUDGE

Pankaj