

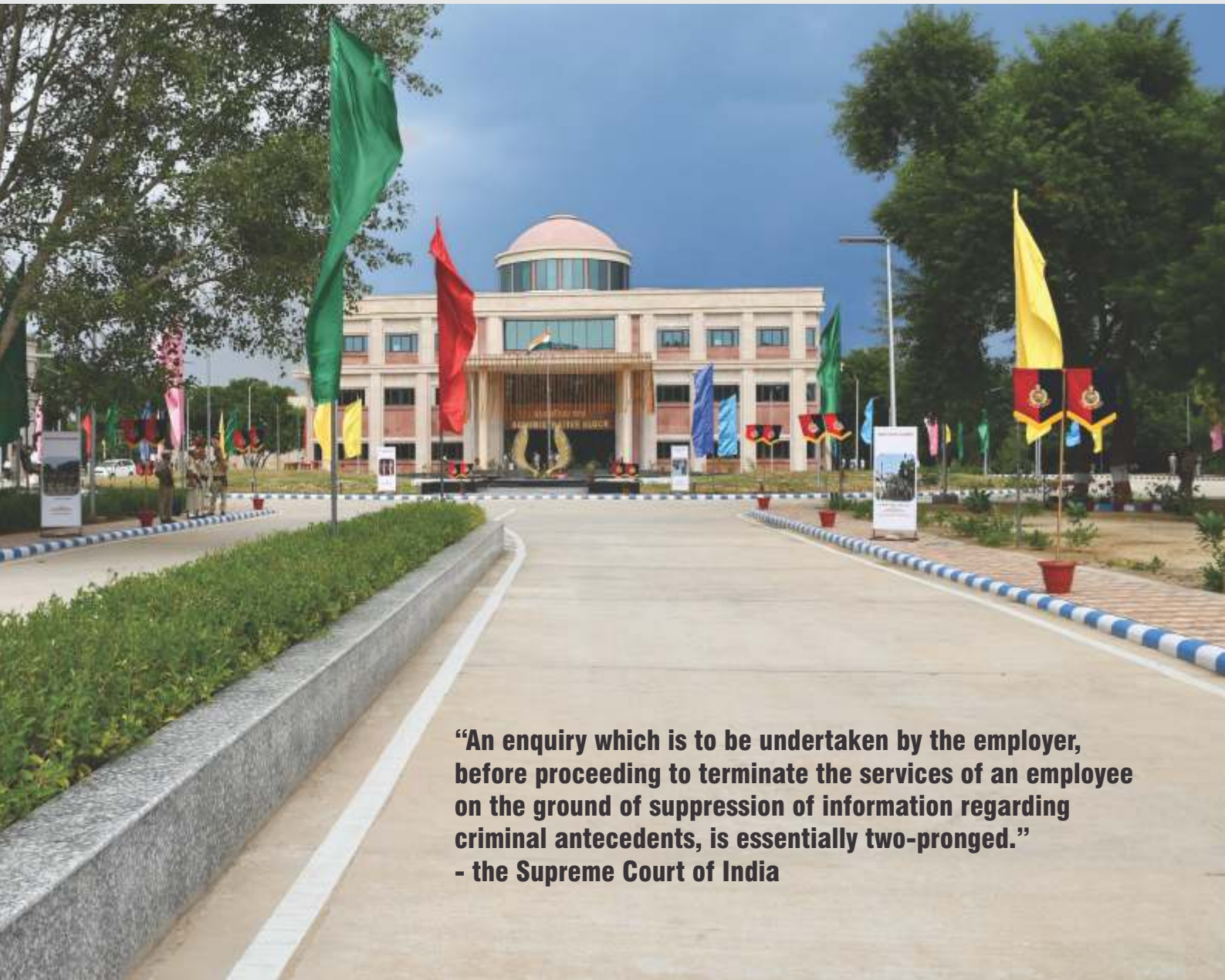
THE LAW LEDGER

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DELHI POLICE ACADEMY

CIVIL APPEAL NO. _____ OF 2026
@ SLP(CIVIL) NO. 7197 OF 2026

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- the Supreme Court of India**

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CHEMICALS TRAVANCORE LTD. (F.A.C.T.)
AND OTHERS (SLP (CIVIL) NO. 7197 OF 2026)**

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Facts of the Case

The appellant, Shatrughn Yadav, was appointed as a Technician (Process) by the respondent company on 05.05.2021 on consolidated pay for two-year tenure. At the time of joining, he submitted an attestation form declaring that no criminal case was pending against him. Six months later, a police verification initiated through the District Magistrate revealed that a Non-Cognizable Report (NCR) under Sections 323 and 504 of the IPC had been registered against him on 03.04.2019. A show cause notice was issued to the appellant on 30.04.2022, directing him to furnish reasons as to why his services should not be terminated on the ground of furnishing false information.

The appellant replied that he had acted in a bona fide manner and had not suppressed or given false information as he was not aware of the registration of the NCR. He had not received any summons, nor was he arrested with respect to the said report, and therefore, he had no means to know that the said case was registered against him. To support his case, he enclosed with his reply a photocopy of a certificate dated 09.07.2020 issued by the Superintendent of Police, District Maharajganj which stated that there was no entry against the candidate as per the information received from the concerned police station, local intelligence unit and the District Crime Records Bureau. The appellant enclosing the final report which recorded that the police had found no evidence against him and therefore his name had been deleted from the array of the accused persons. This, he pleaded, fortified his stand of not being aware of the registration of the report. Dissatisfied with his reply, the respondents terminated his service on 05.08.2023.

Issues Advanced

- Whether the existence of an alternative remedy under the Industrial Disputes Act, 1947, bars a writ petition challenging a termination order.
- Whether the non-disclosure of a pending NCR of which the candidate had no personal knowledge constitutes deliberate suppression of material information.
- Whether termination of service can follow automatically upon the discovery of criminal antecedents without a proper two-pronged objective evaluation by the employer.



Arguments

- **Appellant's Submissions:** Placing reliance on *Avtar Singh v. Union of India* and *Ravindra Kumar v. State of UP*, the counsel argued that suppression must be deliberate and conscious. Since the appellant had no knowledge of the NCR, lacked police summons or arrest, and was eventually exonerated/deleted from the charges, his declaration was bona fide.
- **Respondents' Submissions:** The respondents contended that the non-disclosure rendered the candidate unfit, that the discharge had no bearing on the falsity of the initial declaration, and that the appellant must have known since his parents were also named in the NCR. It was further argued that the High Court ought not to have entertained a matter involving disputed questions of fact under writ jurisdiction.

Judgment of the Supreme Court

The Supreme Court of India observed that an enquiry which is to be undertaken by the employer, before proceeding to terminate the services of an employee on the ground of suppression of information regarding criminal antecedents, is essentially two-pronged. The first is one of fact: whether there has been any suppression or furnishing of false information by the candidate, having regard to the extent of his knowledge at the relevant time and the circumstances in which the declaration came to be made. The second prong of enquiry requires the authorities to apply their mind to the specific facts and circumstances of the case including the type of the suppression, the nature of allegations, role and gravity of the offence, the nature of the post and the duties attached to it and further, whether the criminal antecedent and the suppression, if any, is of such nature that merits termination of employment. The court further stated that knowledge of a fact is a mandatory pre-requisite for its non-disclosure. A candidate cannot be penalized for withholding information of which they had no knowledge.

The Supreme Court set aside the High Court's judgment and the order of termination dated 05.08.2023. The appellant was ordered **to be reinstated in service forthwith with all consequential benefits**. Backwages were restricted to 50%, to be disbursed within eight weeks, failing which interest at **6% per annum** would accrue from the due date.

