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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7073/2010

RAJ KUMAR Petitioner
Through : Mr. Devender Kumar, Advocate.

versus

UOI AND ORS Respondents
Through : Counsel for the respondent.

CORAM:
HON'BLE MS. JUSTICE GITA MITTAL
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER
25.10.2010

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1. This writ petition has been filed assailing the order dated 29.9.2007 whereby the petitioner's services were terminated in exercise of powers under Sub-Rule (1) of Rule 5 of Central Civil Services (Temporary Service Rules, 1965). The petitioner also assails the order dated 20.2.2008 passed by the Office of the Inspector General of Police, Northern Section, CRPF, R.K.Puram, Delhi thereby rejecting his appeal against the order of his termination of service.

2. It appears that the petitioner was appointed as a Driver on 20.3.2007 by the respondent. Verification of his character and antecedents were effected by the respondent.

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A query was made in respect of the petitioner's driving licence 12247/2004 dated 21.7.2004, with the Regional Transport Officer, Agra who was concerned in the matter. It appears that this authority sent a negative opinion with regard to the genuineness of the petitioner's licence. The impugned orders appear to have been based on this report.

3. The order dated 20.2.2008 points out that the Regional Transport Officer, Agra, had informed that the record of the petitioner's driving licence was available at 3835/AG/06 in the office of R.T.O., Agra, whereas the petitioner had submitted the driving licence No. 12247/46/04 dated 21.7.2004.

4. The petitioner has placed before us a copy of the communication bearing No.40/DLSATYA/08 dated 7.6.2008 from the Office of the R.T.O., Agra stating that the DL No.3835/AG/06 pertains to the old No. 12247/46/04 dated 21.7.2004. The petitioner has contended that the impugned orders passed against him are based on incomplete and incorrect information which appears to have been furnished in answer to the query raised by the respondent.

5. In view of the communication dated 7.6.2008, copy whereof has been placed on record, it would appear that

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there is substance in the submission made on behalf of the petitioner and that the impugned orders are not based on complete and relevant facts.

Accordingly, this writ petition is disposed of with the following directions:

(i) The orders dated 20.2.2008 and 24.9.2007 are hereby set aside and quashed

(ii) The respondents are directed to effect the reverification of the correctness of the information received by them from the office of the R.T.O., Agra dated 25.7.2007 as well as the authenticity and correctness of the communication dated 7.6.2008 noticed above from the same office.

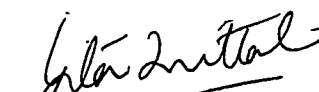
(iii) The above verification shall be effected within a period of six weeks from today and in case the contention of the petitioner is found correct, the matter shall be reconsidered and fresh orders shall be passed within a period of four weeks thereafter.

(iv) We make it clear that it will be open for the respondent to pass appropriate orders with regard to the

service of the petitioner for the period between the passing of the impugned order dated 25.7.2007 till the reconsideration is completed.

(v) In case the petitioner is still aggrieved thereby, he shall be at liberty to assail the same by way of appropriate proceedings.

DASTI


GITA MITTAL, J

J.R. MIDHA, J

OCTOBER 25, 2010

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