

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 23113 of 2012 (O&M)

Date of decision : 28.04.2015

Sandeep Kumar

..... Petitioner

VS

Union of India & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Vivek Khatri, Advocate for the petitioner.

Mr.Anil Kumar Gahlwat, Advocate
for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

The petitioner applied for a job of driver in the ITBP. At that time he placed reliance on Driving Licence No.639/05 stated to have been issued by the Secretary, Regional Transport Authority, Bhiwani on 08.09.2005. As per the advertisement it was necessary that the petitioner had two years driving experience and it was on the basis of the driving licence of 2005 that he was considered to have two years driving experience. He was selected on 25.04.2008. At that time he represented to the authorities that his original licence No.639 of 2005 had been lost but he had also another driving licence bearing No.

HR20/161040 of 21.05.2006. Considering this averment to be correct

he was permitted to join. Later on a complaint was received as per which it was alleged that the driving licence No.639/05 was in fact a fake driving licence. On verification it was found that that driving licence was a fake driving licence and this fact was admitted by the petitioner in the inquiry which was lodged into this aspect. Once it was established that the driving licence on which the petitioner had claimed eligibility was a fake driving licence the issue arose as to whether the petitioner was in fact eligible on 25.04.2008 when he was appointed. The authority found that the subsequent driving licence was dated 21.05.2006 and consequently the petitioner did not have two years experience as a driver on the date of the application. In view of this ineligibility the services of the petitioner were terminated.

The only argument made by learned counsel for the petitioner is that on the date when the petitioner actually joined the force i.e. 25.04.2008 only 26 days were left before he could be considered eligible and, therefore, since the petitioner has now continued in the job, this shortfall should be condoned.

In my opinion this argument can not help the petitioner. Admittedly when the petitioner had applied for job on the basis of the licence dated 21.05.2006 his candidature would not have been considered. In fact the candidature of the petitioner was considered only because he had represented that he had driving licence No.639/05 dated 08.09.2005 which, as it turns out, was a false statement.

Resultantly no fault can be found in the action of the respondents.

Petition is dismissed.

Since the main case has been decided, the Civil Misc.
Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

April 28, 2015
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