

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.2088 of 2015

Date of Decision: March 23, 2015

Union of India and others

.....Petitioners

versus

Central Administrative Tribunal, Chandigarh Bench and
others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present:Mr.P.C.Goyal, Advocate, for the petitioners.

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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?*

Surya Kant, J. (Oral)

Union of India through Ministry of Defence and other Army authorities are aggrieved by the order dated 27.05.2014 (Annexure P-6) passed by Central Administrative Tribunal, Chandigarh Bench, whereby the order terminating services of respondent No.2 from the post of Civilian Motor Driver (Ordinary Grade), has been set-aside and he has been ordered to be reinstated in service without payment of salary though the said period is to be counted for the purpose of seniority, continuity of service as well as other related benefits.

[2] The facts may be noticed briefly.

[3] The petitioner-authorities issued an advertisement in January, 2011, inviting applications for the post of Civilian Motor Driver (OG). The prescribed qualification was matriculation alongwith driving licence for driving 'heavy

vehicles' with minimum two years' experience of driving such vehicles.

[4] The second respondent was finally selected and he was appointed w.e.f. 20th January, 2011.

[5] It appears that after appointment of second respondent, the genuineness of his experience certificate was got verified and on finding that the experience gained by respondent No.2 w.e.f. 01.04.2007 was irrelevant because he did not possess driving licence to drive 'heavy vehicles' at that time. The authorities thus held respondent No.2 ineligible and terminated his services vide order dated 22.05.2012.

[6] The second respondent successfully challenged the above-stated order before the Tribunal.

[7] We have heard learned counsel for the petitioners and gone through the record.

[8] It is an admitted fact that the second respondent was initially granted driving licence to drive 'light travelling vehicles' (LTV) in the year 2007 but admittedly he was granted heavy vehicles (HTV) licence w.e.f. 20.01.2009 (Annexure AA).

[9] It is not the case of the petitioners that the experience certificate relied upon by respondent No.2 was fake or forged. Their only plea is that the experience gained by respondent No.2 before obtaining HTV licence cannot be taken into consideration for determining the eligibility. Accepting this plea, we are of the view that respondent No.2 had, in fact, gained the experience of driving heavy vehicles, for two years, as on 20.01.2011, i.e., the date when he was appointed. The petitioners nowhere say that respondent No.2 lacked any other qualification. Thus, respondent No.2 was fully eligible in every respect on the date of his appointment.

[10] That apart, with a view to satisfy ourselves with regard to performance of respondent No.2 after his appointment, we asked the petitioner-authorities to file an affidavit re: his work and conduct. In deference thereto, the Commanding Officer, ASE Battalion (MT) has filed the affidavit dated 28.02.2015 certifying that respondent No.2 was sent to Udhampur “for hill driving test, which he passed”. It has been further stated that “he has not been awarded any punishment during the service and there was no complaint against him during his service and his performance was satisfactory”.

[10] For the reasons afore-stated, we do not find any ground to interfere with the order passed by the Tribunal.

[11] Dismissed.

[SURYA KANT]
JUDGE

March 23, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.3813 of 2015 in
CWP No.2088 of 2015.

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Union of India and others versus Central Administrative
Tribunal, Chandigarh Bench
and others

Present : Mr.P.C.Goyal, Advocate,
for the applicant-petitioner.

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For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and rejoinder to
the written statement filed on behalf of the respondents, is
taken on record.

CM stands disposed of.

(SURYA KANT)
JUDGE

March 23, 2015

mohinder

(P.B.BAJANTHRI)
JUDGE