

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

[1] Civil Writ Petition No.7198 of 2015
Date of Decision: August 06, 2015

Union of India and another ...Petitioners
versus
Central Administrative Tribunal, Chandigarh Bench & another
.....Respondents

[2] Civil Writ Petition No.13770 of 2015

Union of India and others ...Petitioners
versus
Central Administrative Tribunal, Chandigarh Bench & others
.....Respondents

[3] Civil Writ Petition No.7276 of 2015

Union of India and others ...Petitioners
versus
Central Administrative Tribunal, Chandigarh Bench & others
.....Respondents

[4] Civil Writ Petition No.7295 of 2015

Union of India and others ...Petitioners
versus
Central Administrative Tribunal, Chandigarh Bench & others
.....Respondents

[5] Civil Writ Petition No.8444 of 2015

Union of India and others ...Petitioners
versus
Central Administrative Tribunal, Chandigarh Bench & another
.....Respondents

[6] Civil Writ Petition No.9127 of 2015

Union of India and others ...Petitioners
versus
Central Administrative Tribunal, Chandigarh Bench & others
.....Respondents

[7] Civil Writ Petition No.9819 of 2015

Union of India and others ...Petitioners
versus
Central Administrative Tribunal, Chandigarh Bench & another
.....Respondents

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

Present: Mr.P.C.Goyal, Advocate, for the petitioner(s)

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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)

This order shall dispose of Civil Writ Petition Nos.7198, 13770, 7276, 7295, 8444, 9127 and 9819 of 2015 as the point in issue in all these cases is common in nature. Though the impugned orders passed by Central Administrative Tribunal, Chandigarh Bench are of different dates, the short question that arises for consideration is whether the Tribunal has rightly ordered reinstatement of the respondents as Civilian Heavy Vehicle Drivers?

[2] For brevity, the facts are being extracted from CWP No.7198 of 2015.

[3] 2nd respondent applied for the post of Civilian Motor Driver (OG) in response to the advertisement issued by the petitioner-authorities in January, 2011. The eligibility qualification was matriculation alongwith minimum three years' experience of driving heavy vehicles. Respondent No.2 was selected and offered appointment on 25.07.2011.

[4] Services of respondent No.2 were terminated on 22.05.2012 on the ground that the experience certificate relied

upon by him was invalid as “it was issued prior to the date of issue of heavy driving licence”.

[5] The Tribunal has found, as a matter of fact, that as per the experience certificate, respondent No.2 had been driving truck since May, 2007 to July, 2010 though he was granted the heavy vehicle driving licence only on 27.09.2008. The Tribunal has further found that even if his experience was counted from 27.09.2008 onwards, respondent No.2 fell short of two months experience and since he had already worked for 10 months, the authorities were not justified in terminating his services. The orders passed by the Tribunal in the connected cases are also more or less based upon the same reason.

[6] When these cases came up for preliminary hearing, we directed the petitioner-authorities to file an affidavit as to whether the work performance and conduct of respondent No.2 during the service period of 10 months was satisfactory or not? In response thereto, petitioner No.2 has filed the affidavit dated 10.07.2015, para-3 whereof reads as follows:-

“....3. That with regard to the same, petitioners submit herein that during the period, respondent No.2 herein remained in service, there was no complaint against the individual and he has not been awarded any punishment during his service. His work performance, driving skills and conduct during the period he remain in service was satisfactory....”

[7] Having heard learned counsel for the petitioners and taking into consideration the fact that respondent No.2 was selected through a competitive process and he worked to

the entire satisfaction of the authorities coupled with the fact that his 'driving licence' and 'experience certificate' are otherwise found to be genuine, we are of the considered view that the Tribunal has rightly intervened in the matter, as the services of respondent No.2 ought not to have been terminated due to short-fall of heavy vehicles driving experience for two months when he had already served as a heavy vehicle driver for 10 months to the entire satisfaction of the authorities.

[8] For the reasons afore-stated, we decline to interfere with the order passed by the Tribunal.

[9] Dismissed.

[SURYA KANT]
JUDGE

August 06, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.9272 of 2015 in
CWP No.7198 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-petitioners.

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For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and additional
affidavit is taken on record.

CM stands disposed of.

(SURYA KANT)
JUDGE

August 06, 2015
mohinder

(P.B.BAJANTHRI)
JUDGE