

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

LPA No. 342 of 2015 (O&M)
DATE OF DECISION : 25.03.2015

Satish Kumar

.... APPELLANT

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Manoj Makkar, Advocate, for the appellant.

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 18.03.2014 passed by the learned Single Judge, whereby the writ petition (CWP No.386 of 2012) filed by the appellant challenging the order dated 08.06.2011 (Annexure P-9) passed by the Commandant 3rd Battalion, HAP, Hisar (respondent No.3 herein) discharging him from service on the ground that on the date of his appointment as Constable Driver in the Haryana Police, he was not possessing a valid driving license, has been dismissed.

Though there is delay of 291 days in filing the instant appeal and the appellant has filed an application (CM No. 681-LPA of 2015) for condoning the delay, yet we have heard learned counsel for the appellant on merits and have gone through the order passed by the learned Single Judge.

Undisputedly, as per the advertisement (Annexure P-1) issued

for recruitment of Drivers in Haryana Police, a candidate applying for the post of Constable Driver must have a valid driving license to drive heavy or light motor vehicle which should be minimum of 2 years old. In the present case, the appellant was appointed as Constable Driver on 09.03.2011. He was discharged from service on the ground that on the date of his appointment, he was not possessing any valid driving license for driving heavy or light transport vehicles. It is a fact that earlier, the appellant was possessing a driving license for Light Transport Vehicle, which was issued to him on 02.04.2002. That license was renewed on 04.04.2007 and was valid up to 03.04.2010. Thereafter, it was not got renewed. It is also an admitted fact that the appellant was also possessing a driving license for Heavy Transport Vehicle, which was issued to him on 17.04.2009. On the basis of the said license, he got the aforesaid employment, but it is also an admitted fact that the said license was cancelled by the Secretary, Regional Transport Authority, Jhajjar at Bahadurgarh on 15.07.2009, i.e. much before the date of his appointment. When this fact came to the notice of the authorities, the appellant was discharged from service.

A contention was raised by the appellant before the learned Single Judge that he was not aware of the cancellation of his driving license for Heavy Transport Vehicle on 15.07.2009. This fact itself is not relevant, as the fact remains that on the day of his interview as well as appointment, the appellant was not possessing a valid driving license. This contention has been rightly rejected.

Before the learned Single Judge, another contention was raised that the driving license of the appellant for Light Transport Vehicle was renewed on 10.06.2011, therefore, on the date of his discharge, he was possessing a valid driving license for Light Transport Vehicle, and according to the appellant, taking the said fact into consideration, the order discharging him from service should not have been passed. This contention has also been rightly rejected by the learned Single Judge, as renewal of the license was not with retrospective effect. Thus, the fact remains that on the date of interview and appointment, the appellant was not possessing a valid driving license.

Looking from all the angles, we do not find that on the date of interview and appointment, the appellant was possessing a valid driving license, either for Light Transport Vehicle or for Heavy Transport Vehicle. Therefore, in our opinion, the learned Single Judge has rightly come to the conclusion that the appellant was rightly discharged from service.

Consequently, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

March 25, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE