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

Date of hearing and Order: 11th March, 2015

- + W.P.(C) 1463/2015
DHIAN CHAND Petitioner
Through None.
versus
UNION OF INDIA & ORS. Respondents
Through Ms. Monika Arora, CGSC with
Mr. Arnav Kumar & Mr. Abhishek
Choudhary, Advs. for R-1.
Mr. Rajiv Nanda, Addl. Standing
Counsel with Mr. Manish Kumar
Vikkey, Adv. for R-2 to 4.
- + W.P.(C) 1466/2015
NARINDER SINGH Petitioner
Through None.
versus
UNION OF INDIA & ORS. Respondents
Through Ms. Monika Arora, CGSC with
Mr. Arnav Kumar & Mr. Abhishek
Choudhary, Advs. for R-1.
Mr. Rajiv Nanda, Addl. Standing
Counsel with Mr. Manish Kumar
Vikkey, Adv. for R-2 to 4.
- + W.P.(C) 1468/2015
SATISH KUMAR Petitioner
Through None.
versus
UNION OF INDIA & ORS. Respondents
Through Ms. Monika Arora, CGSC with
Mr. Arnav Kumar & Mr. Abhishek
Choudhary, Advs. for R-1.
Mr. Rajiv Nanda, Addl. Standing
Counsel with Mr. Manish Kumar
Vikkey, Adv. for R-2 to 4.

CORAM:
HON'BLE MR. JUSTICE KAILASH GAMBHIR
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
11.03.2015

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KAILASH GAMBHIR, J. (ORAL)

C.M. Appl. Nos. 2571-72/2015 in W.P. (C) No. 1463/2015
C.M. Appl. Nos. 2574-75/2015 in W.P. (C) No. 1466/2015
C.M. Appl. Nos. 2577-78/2015 in W.P. (C) No. 1468/2015

Exemption allowed subject to just exceptions.

Applications stand disposed of.

W.P. (C) No. 1463/2015, W.P. (C) No. 1466/2015 & W.P. (C) No. 1468/2015

1. By these petitions filed under Articles 226/227 of the Constitution of India, petitioners herein seek to challenge the impugned order dated 24.09.2013 passed in O.A. No.2920/2011 by the learned Central Administrative Tribunal, whereby the learned Tribunal has dismissed the Original Application filed by the petitioners on the ground that HMV driving licences were not issued in the name of the petitioners.
2. There is no appearance on behalf of the petitioners. Even on the last date, there was no appearance on behalf of the petitioners.
3. We have heard the submissions of the learned counsel for the respondents and also gone through the impugned order as well as the material placed on record.
4. The issue in the present matters is squarely covered by the judgment

of Division Bench of this Court in the matter of *Shri Rajni Kant v. The Commissioner of Police & Anr., W.P.(C) 961/2015*. In the batch of many such petitions, the common challenge raised was that these candidates were found to be in possession of fake driving licenses purported to have been issued in their favour by the respective Transport Authorities. The common grievance raised by these petitioners was that before taking a decision to cancel their candidature the respondents ought to have conducted a detailed inquiry so as to give sufficient opportunity to all these petitioners to participate in the same and thereafter could have arrived at a just and fair decision on the validity and genuineness of the driving licences produced by them.

5. On perusal of the reasoning given by the learned Tribunal we find that on verification of the driving licence of these petitioners, the Issuing Authority, i.e. District Transport Officer, intimated that the driving licenses produced by the petitioners were false and fabricated since the driving licenses were not issued to the applicants. Inspector of Crime Branch was deputed to probe into the matter and as per the report submitted by him, the driving licences were not issued in the name of the petitioners.

6. Keeping in view the fact that the decision of the learned Tribunal is based on the inquiry conducted by the Crime Branch of Delhi Police, we hardly find any tangible reason to interfere with the order passed by the learned Tribunal. The Tribunal has also referred to the decision of the Apex Court in the case of *Rubi (Chandra) Dutta vs. United India Insurance Company Limited, (2011) 11 SCC 269*, wherein the Supreme Court held that at the time of giving employment to a driver, the owner is required to be

satisfied apropos the correctness and genuineness of the licence he was holding. The tribunal also went on to discuss the judgment of the Hon'ble Supreme Court in the case of *New India Assurance v. Kamla and Ors.* (2001) 4 SCC 342, wherein it was held:

“As a point of law we have no manner of doubt that a fake licence cannot get its forgery outfit stripped off merely on account of some officer renewing the same with or without knowing it to be forged. Section 15 of the Act only empowers any licensing authority to "renew a driving licence issued under the provisions of this Act with effect from the date of its expiry." No licensing authority has the power to renew a fake licence and, therefore, a renewal if at all made cannot transform a fake licence as genuine. Any counterfeit document showing that it contains a purported order of a statutory authority would ever remain counterfeit albeit the fact that other persons including some statutory authorities would have acted on the document unwittingly on the assumption that it is genuine.

The observation of the Division Bench of the Punjab and Haryana High Court in National Insurance Co. Ltd. vs. Sucha Singh (supra) that renewal of a document which purports to be a driving licence, will robe even a forged document with validity on account of Section 15 of the Act, propounds a very dangerous proposition. If that proposition is allowed to stand as a legal principle, it may, no doubt, thrill counterfeiters the world over as they would be encouraged to manufacture fake documents in a legion. What was originally a forgery would remain null and void forever and it would not acquire legal validity at any time by whatever process of sanctification subsequently done on it. Forgery is antithesis to legality and law cannot afford to validate a forgery.”

Similarly in the case of *United India Insurance Company Limited v. Lehru and Others (2003) 3 SCC 338* the Apex Court held:

“When an owner is hiring a driver he will therefore have to check whether the driver has a driving licence. If the driver produces a driving licence which on the face of it looks genuine, the owner is not expected to find out whether the licence has in fact been issued by a competent authority or not. The owner would then take the test of the driver. If he finds that the driver is competent to drive the vehicle, he will hire the driver.....”

7. The genuineness and authenticity of the driving licence is one of the indispensable conditions for considering the petitioner's appointment and for assessing his eligibility for the said post. Based on the inquiry report submitted by the Crime Branch, the petitioners were duly served with the show cause notice, however they sent a vague reply to the same. Thus, there is no infraction of principles of natural justice by the respondents. In such circumstances, we do not find any illegality, perversity, or any ground for interfering with the impugned order dated 24.09.2013 passed in O.A . No. 2920/2011 passed by the learned Central Administrative Tribunal, the present petitions are dismissed.

8. No costs.

KAILASH GAMBHIR, J

I.S.MEHTA, J

MARCH 11, 2015/km