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

+ W.P.(C) 4652/2015

GOVT. OF N.C.T. OF DELHI AND ORS. Petitioners
Through Mr. Gautam Gupta, Advocate

versus

RAJENDER KUMAR Respondent
Through None.

\$~13

+ W.P.(C) 4640/2015

GOVT. OF N.C.T. OF DELHI AND ORS. Petitioners
Through Mr. Gautam Gupta, Advocate

versus

VIKAS KUMAR Respondent
Through None.

\$~14

+ W.P.(C) 4645/2015

GOVT. OF N.C.T. OF DELHI AND ORS. Petitioners
Through Mr. Gautam Gupta, Advocate

versus

SANDEEP Respondent
Through None.

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\$~15

+ W.P.(C) 4648/2015

GOVT. OF N.C.T. OF DELHI AND ORS. Petitioners
Through Mr. Gautam Gupta, Advocate

versus

SURENDER Respondent
Through None.

\$~16

+ W.P.(C) 4649/2015

GOVT. OF N.C.T. OF DELHI AND ORS. Petitioners
Through Mr. Gautam Gupta, Advocate

versus

BALRAM Respondent
Through None

CORAM:

HON'BLE MR. JUSTICE KAILASH GAMBHIR

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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22.05.2015

CM APPL. No. 8422/2015 (Exemption) in W.P.(C) 4652/2015

CM APPL. No. 8406/2015 (Exemption) in W.P.(C) 4640/2015

CM APPL. No. 8412/2015 (Exemption) in W.P.(C) 4645/2015

CM APPL. No. 8416/2015 (Exemption) in W.P.(C) 4648/2015

CM APPL. No. 8418/2015 (Exemption) in W.P.(C) 4649/2015

Exemption allowed subject to just exceptions.

Applications stand disposed of.

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W.P.(C) 4652/2015 & CM APPL. No. 8421/2015 (Stay)
W.P.(C) 4640/2015 & CM APPL. No.8405/2015 (Stay)
W.P.(C) 4645/2015& CM APPL. No. 8411/2015 (Stay)
W.P.(C) 4648/2015& CM APPL. No. 8415/2015 (Stay)
W.P.(C) 4649/2015& CM APPL. No. 8417/2015 (Stay)

By these petitions filed under Article 226 of the Constitution of India, petitioners seek to challenge the orders dated 04.09.2014 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi.

Learned counsel for the petitioners submits that these respondents have not yet been given any appointment to the post of Fire Operators and therefore, they are not entitled to be served with any show cause notice or to be afforded any opportunity of hearing. The learned counsel also submits that the learned Tribunal has also failed to appreciate that condition precedent in the Recruitment Rules is that the candidate should possess a valid HTV driving licence and since the Licensing Authority, i.e. Mathura Transport Authority has already given a report to the petitioners that the licences of the respondents were fake and therefore, the respondents could not be given an appointment to the said post.

We have heard the learned counsel for the petitioners.

By a common order dated 04.09.2014 passed by the learned Tribunal, a limited direction given to the petitioners is that these candidates are entitled to a show cause notice before any final decision is taken by the petitioners with regard to their appointment to the post of Fire Operators.

We find no infirmity or illegality in the reasoning given by learned Tribunal. Certainly, these respondents are entitled to know the basis for the rejection of their candidatures and for that they are entitled to show cause

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notice and proper hearing before any final decision is taken by the petitioners to reject their candidatures.

In the light of above, we do not find any merit in the present Writ Petitions and the same alongwith all the pending applications are accordingly dismissed.

We accordingly, uphold the orders passed by the learned Tribunal and direct the petitioners to comply with the direction given by the learned Tribunal.


KAILASH GAMBHIR, J


I.S. MEHTA, J

MAY 22, 2015/mn