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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Judgment : 18th November, 2015

+ W.P.(C) 10603/2015

VIKRAM SINGH Petitioner

Through : Mr. Jashandeep Sandhu, Advocate.

versus

COMMISSIONER OF POLICE DELHI & ANR. Respondents

Through : Mr. Siddhartha Shankar Ray, Advocate for
GNCTD.

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W.P.(C) 10627/2015

RAJESH KUMAR Petitioner

Through : Mr. Jashandeep Sandhu, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through : Mr. R. V. Sinha and Mr. A. S. Singh,
Advocates for UOI.s

Mr. Gautam Narayan, Additional Standing
Counsel (Civil) for R-2, 3 and 4.

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W.P.(C) 10635/2015

ANIL KUMAR Petitioner

Through : Mr. Jashandeep Sandhu, Advocate.

versus

COMMISSIONER OF POLICE DELHI & ANR. Respondents

Through : Mr. Devesh Singh, Additional Standing
Counsel for R-1 and 2.

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+ W.P.(C) 10639/2015
VIRENDER SINGH Petitioner

Through : Mr. Jashandeep Sandhu, Advocate.
versus

COMMISSIONER OF POLICE DELHI & ANR. Respondents
Through : Mr. Satyakam, Additional Standing Counsel
for GNCTD.

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+ W.P.(C) 10641/2015
AJIT SINGH Petitioner

Through : Mr. Jashandeep Sandhu, Advocate.
versus

COMMISSIONER OF POLICE DELHI & ANR. Respondents
Through : Mr. Aahua Kalra, Advocate for
Mr. Peeyoosh Kalra, Additional Standing
Counsel (Civil) GNCTD.

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+ W.P.(C) 10642/2015
SUBHASH CHANDER Petitioner

Through : Mr. Jashandeep Sandhu, Advocate.
versus

COMMISSIONER OF POLICE DELHI & ANR. Respondents
Through : Mr. S. S. Malik and Ms. Prachi V. Sharma,
Advocates for R-1 and 3.

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+ W.P.(C) 10643/2015
SURENDER SINGH Petitioner

Through : Mr. Jashandeep Sandhu, Advocate.
versus

UNION OF INDIA & ORS. Respondents
Through : Mr. S. S. Malik and Ms. Prachi V. Sharma,
Advocates for R-1 and 3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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18.11.2015

CM APPL. No. 27042/2015 in W. P. (C) 10603/2015,
CM APPL. No. 27202/2015 in W. P. (C) 10627/2015,
CM APPL. No. 27220/2015 in W. P. (C) 10635/2015,
CM APPL. No. 27232/2015 in W. P. (C) 10639/2015,
CM APPL. No. 27239/2015 in W. P. (C) 10641/2015,
CM APPL. No. 27240/2015 in W. P. (C) 10642/2015 and
CM APPL. No. 27241/2015 in W. P. (C) 10643/2015

1. Exemption allowed, subject to all just exception.
2. Applications stand disposed of.

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10641/2015, 10642/2015 and 10643/2015

3. Challenge in these writ petitions is to the order dated 18.05.2011 passed by the Central Administrative Tribunal (CAT).
4. The present writ petitions arise out of a common order. Pursuant to an advertisement inviting applications for filling up the post of Constable (Driver) in the year 2009, petitioners applied for the aforesaid post, they were called for an interview, declared successful and were appointed for the post of Constable (Driver). Subsequently, show cause notices were issued and their candidatures were cancelled by an order dated 10.11.2010 on the ground that the licenses produced were fake and not genuine. The OAs filed before the Tribunal were rejected.
5. We are informed that in a batch of writ petitions, by an order dated 04.03.2015 passed by the Division Bench of this Court, identical

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matters were dismissed. The operating part of the order reads as under:

“Considering the fact that in a similar case this Court has already taken a view that the decision arrived at by the Tribunal is based on the enquiry committed by the Crime Branch of the Delhi Police and, therefore, we find no reason to interfere with the reasoning given by the learned Tribunal. The operative para of the said judgment is reproduced as under:-

‘ 6. The genuineness and authenticity of the driving licence is one of the indispensable condition 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, on which the learned Tribunal has placed reliance holding that the licence produced by the petitioner is fake and not genuine, we find no 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 petition is dismissed.

It is not in dispute that in these cases their licenses were also found to be fake and ingenuine based on the inquiry report submitted by the Crime Branch and, therefore, the case of these petitioners is not different than that of the case decided by this Court in Rajnikant (supra).

All these petitions are accordingly dismissed.”

6. We may notice that while dismissing the OAs, the Tribunal had issued the following directions :

“ It is not possible for us to go into the facts of all these cases and adjudicate upon the matter. It would be necessary, in the interest of justice, to remand the matter to the respondents and direct them to issue fresh notices to show cause based on the facts of each case so that the Applicants may have the opportunity to reply to the notice and, after due inquiry, pass a speaking order based

on cogent reasons. The notices to show cause and the orders passed thereon are quashed and set aside. We make it clear that we have not gone into the merit of any case and have not made any comments about the merits. The above directions should be complied with within four months from the date of receipt of a copy of this order. The selection of the candidates to the post of Constable (Driver) would abide by the decision taken by the Respondents pursuant to these directions. Needless to say the Applicants will have the liberty to challenge the fresh order passed by the Respondents, if their grievance still survives. There will no orders as to costs.”

7. Having regard to the fact that the identical matters already stand dismissed, we find no reason to take a different view in the matter. Accordingly, all writ petitions and pending applications are dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

NOVEMBER 18, 2015

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