

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

LPA No.1598 of 2015 (O&M)

Date of decision: 08.07.2016

Vijay

.....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Jagbir Malik, Advocate for appellant.

DARSHAN SINGH J.

CM No.3422-LPA of 2015

This application has been moved under Section 5 of the Limitation Act, 1963 for condonation of delay of 8 days in filing the present appeal.

Heard on the application.

In view of the reasons mentioned in the application, the same is allowed and the delay of 8 days in filing the present appeal is hereby condoned.

CM No.1388-LPA of 2016

This application has been moved under Section 151 of the Code of Civil Procedure, 1908 seeking permission to place on record document Annexure A-2 *i.e.* copy of letter dated 08.02.2016.

Heard.

In view of the reasons mentioned in the application, the application is allowed. Document Annexure A-2 is taken on record.

LPA No.1598 of 2015 &
CM No.3424-LPA of 2015

Present Letters Patent appeal under Clause-X of the Letters Patent has been preferred against the judgment/order dated 22.07.2015 passed by the learned Single Judge, vide which the Civil Writ Petition No.20947 of 2014 filed by the appellant has been dismissed and the impugned order dated 24.04.2014 passed by respondent No.3 cancelling the appointment letter dated 19.01.2014 of the appellant for the post of driver, has been upheld.

2. In response to the advertisement dated 13.04.2013, the appellant applied for the post of Driver (Heavy Transport Vehicle) in Haryana Roadways. He underwent driving proficiency test held on 09.05.2013 conducted by the General Manager, Haryana Roadways, Jhajjar at Jhajjar and was interviewed on 09.09.2013 by the General Manager, Haryana Roadways, Gurgaon at Gurgaon. He was selected and was issued appointment letter dated 19.01.2014. It is alleged that appellant is holding a valid driving licence required for the post. The appointment letter issued to the appellant was cancelled vide letter dated 24.04.2014 by respondent No.3

on the ground that as per the verification from the office of the District Transport Officer, Churachandpur, Manipur, the driving licence was not issued by them in favour of the appellant.

3. The Civil Writ Petition No. 20947 of 2014 filed by the appellant was dismissed by the learned Single Bench. Hence, this appeal.

4. Along with the appeal, the appellant has also filed the CM No.3424-LPA of 2015 under Order 41 Rule 27 read with Section 151 of the Code of Civil Procedure, 1908 for permission to produce Annexure A-1 *i.e.* the “No Objection Certificate” issued by the District Transport Officer, Churachandpur, Manipur in the additional evidence of the appellant.

5. We have heard Mr.Jagbir Malik, Advocate, learned counsel for the appellant and gone through the paper-book meticulously.

6. Learned counsel for the appellant, initiating the arguments, contended that the respondents have not sent the driving licence of the appellant for verification to the District Transport Officer, Churachandpur, Manipur. Thus, he contended that there is no material on record to show that the driving licence of the appellant was fake. He further contended that the District Transport Officer, Churachandpur, Manipur has issued “No Objection Certificate” Annexure A-1 for the renewal of the licence which also establishes that the appellant was having the valid driving licence. Thus, he contended that the appointment of the appellant has been cancelled illegally by the respondents and the learned Single Judge has also erred in dismissing the Writ Petition.

7. We have duly considered the aforesaid contentions.

8. This fact is not disputed that the appellant was selected for the

post of Driver and the appointment letter in his favour dated 19.01.2014 was issued by the General Manager, Haryana Roadways, Gurgaon. But later on, this appointment letter has been cancelled vide order dated 24.04.2014 passed by respondent No.3, General Manager, Haryana Roadways, Gurgaon, on the ground that driving licence No.33096/CG has not been issued in favour of the appellant by the District Transport Officer, Churachandpur, Manipur.

9. Along with the appeal, the appellant has moved an application for additional evidence to adduce the “No Objection Certificate” Annexure A-1 in evidence. “No Objection Certificate” Annexure A-1 is shown to have been issued on 10.10.2001. So, this document was very much available with the appellant at the time of filing the writ petition, but no satisfactory explanation has been given as to why this document was not earlier produced along with the writ petition. The “No Objection Certificate” Annexure A-1 relied upon by the appellant itself appears to be doubtful as the driving licence itself has been issued on 10.10.2001 and was valid upto 09.10.2004. So, there was no occasion for issuance of “No Objection Certificate” by the District Transport Officer, Churachandpur, Manipur on 10.10.2001, the date on which the driving licence itself was allegedly issued. So, this document does not inspire any confidence. Moreover, the Hon’ble Supreme Court in case ***Oriental Insurance Company Ltd. Vs. Prithvi Raj 2008(1) RCR (Civil) 851*** has laid down that the renewal will not take away the effect of fake driving licence and transform a fake licence as genuine. It will remain fake. So, there is no merit in the application moved by the appellant for additional evidence and the same is hereby dismissed.

10. At the time of arguments, we have asked the appellant to produce any report of the Licencing Authority/ District Transport Officer, Churachandpur, Manipur to prove the validity of the driving licence No.33096/CG issued on 10.10.2001 but learned counsel for the appellant could not produce any such document. Appellant Vijay is resident of village Ladrawan, Tehsil Bahadurgarh, Distt. Jhajjar, Haryana. It is nowhere explained in the grounds of appeal or the writ petition as to how the appellant had procured the driving licence from the District Transport Office, Churachandpur, Manipur, a distant place. No material has been placed on record by the appellant to show that the appellant had ever resided at Churachandpur, Manipur. So, there was no occasion for issuance of the driving licence in favour of the appellant by the District Transport Officer, Churachandpur, Manipur.

11. Moreover, in the impugned order dated 24.04.2014, it has been categorically mentioned that the driving licence No.33096/CG was sent for verification to the District Transport Officer, Churachandpur, Manipur *dasti*. The District Transport Officer, Churachandpur, Manipur informed that as per the record of their office, driving licence No.33096/CG was not issued. The learned Single Judge in the impugned judgment/order dated 22.07.2015 has observed that the driving licence bearing No.33096/CG was not annexed with the writ petition and on the asking of the learned Single Judge to pass over the copy thereof, the learned counsel for the appellant produced only a single piece of paper having the driving licence number, photograph of the appellant and it was not in a booklet form. Various other particulars were completely missing. So, the appellant

has not able to show that he was holding the valid driving licence requisite for his appointment as a Driver (Heavy Transport Vehicle). So, no fault can be found with the order dated 24.04.2014 passed by respondent No.3 in withdrawing the appointment letter dated 19.01.2014.

12. Consequently, no case is made out to call for any interference in the impugned judgment/order passed by the learned Single Judge.

13. Resultantly, the present appeal having no merits, is hereby dismissed.

(DARSHAN SINGH)
JUDGE

(SURYA KANT)
JUDGE

08.07.2016

sunil yadav