

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

CWP 9602/2017

Date of decision:05.05.2017

Jagdish Singh

.....Petitioner

v.

Pepsu Road Transport Corporation, Patiala and others

.....Respondents

Coram: Hon'ble Mr. Justice Jaswant Singh

Present:- Mr. S. S. Kamboj, Advocate for the petitioner.

Jaswant Singh, J. (Oral).

Petitioner-Jagdish Singh was appointed as a Driver in Pepsu Road Transport Corporation-respondent no.1 (for short respondent Corporation) on 8.7.1991 for which essential qualification was Middle standard and having duly approved Heavy Transport driving licence. In the year 2005, a complaint was made by Sakura Singh and Surjit Singh that he had got employment on the basis of forged middle certificate. He was charge sheeted and proceeded against departmentally. In the enquiry the charges were found proved and he was issued a show cause notice dated 29.11.2005. Respondent no.3 i.e. General Manager of the respondent Corporation vide order dated 16.4.2007, imposed penalty of stoppage of four annual increments with cumulative effect.

Again on reconsideration of the matter by higher authorities at the asking of the respondent Corporation vide letter dated 2.3.2011, Transport Department, Govt.of Punjab vide letter dated 9.8.2011 directed that petitioner's appointment based on forged document, as proved in the departmental enquiry, was *ab initio* null and void and hence directions were issued to cancel his appointment. Thus the earlier punishment awarded to the petitioner was ordered to be substituted. Accordingly, respondent Corporation vide letter dated 21.2.2012(P-3) issued show cause notice to petitioner to submit his explanation/written representation within seven days failing which he was to be proceeded against ex parte. Petitioner availed the opportunity of personal hearing on 9.4.2012 but could not produce any material against the allegations of forged educational certificate. Accordingly, vide order dated 12.4.2012(P-4) punishment earlier awarded to the petitioner was substituted by cancelling his appointment and legal action was also ordered to be taken against him for getting appointment on the basis of forged certificate. Aggrieved against the same, petitioner filed an appeal which was dismissed vide order dated 4.9.2013(P-5). The Review petition filed by the petitioner was also rejected vide order dated 8.4.2015(P-6) as there was no provision of any review under the PRTC Rules, amended in 2010. Hence the present writ petition seeking setting aside of punishment order/appellate orders (P-4 to P-6).

Heard learned counsel for the petitioner.

At the time of hearing, it is not disputed that the prescribed

qualification for the post of Driver in respondent Corporation is Middle pass with Heavy Transport Driving Licence. It is also not disputed that in the regular departmental enquiry the Middle standard certificate of the petitioner was proved to be a forged document. It is also not disputed that in the absence of petitioner possessing requisite qualification of having passed Middle standard examination, he was not eligible for appointment to the post of Driver in the respondent Corporation. The submission that for the same charges petitioner had earlier been punished vide order dated 16.4.2007, stopping his four annual increments with cumulative effect is mis-conceived. Having obtained appointment on the basis of forged educational qualification, petitioner cannot take benefit of lenient view taken by respondent Corporation in earlier point of time as his conduct renders him liable for major punishment, which in my considered opinion, has rightly been substituted by the respondent Corporation in compliance of directions of the higher authorities.

In view of the above, finding no merit in this petition, the same is hereby dismissed.

05.05.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No