

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.10414 OF 2002

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the order dated 12-02-2002 passed by the 4th respondent, confirmed by the 3rd respondent *vide* proceedings dated 22.04.2002, as arbitrary and illegal and consequently to set aside the same and direct the respondents to reinstate the petitioner into service.

Heard Sri S.Krishna, learned counsel appearing for the petitioner and Sri K.Lakshman, learned Assistant Solicitor General appearing for the respondents.

It is the case of the petitioner that initially, he was appointed as a Constable-cum-Driver in Central Reserve Police Force (CRPF) during 1993. At the time of his appointment, he has produced original driving licence issued by the competent authority at Mumbai. Based on the said certificate, he was given appointment order. Thereafter, in 1994, the respondents had returned the said driving licence after verification. It is the contention of the petitioner that as the original driving licence got damaged, he had applied for duplicate driving licence as well as renewal of driving licence at Imphal. The authorities at Imphal had issued a duplicate

licence after renewing the said licence. While so, the respondents have issued a charge memo on 8.8.2001, alleging that the driving licence of the petitioner is not a genuine one, for which, he has submitted his explanation. Being not satisfied with the said explanation, the respondents appointed enquiry officer. After conducting enquiry, the enquiry officer submitted a report stating that the driving licence produced by the petitioner was not genuine and based on the said report, the disciplinary authority *vide* order dated 12.02.2002 imposed the punishment of removal from service. Aggrieved by the same, the petitioner preferred an appeal before the appellate authority and the appellate authority without considering the contention raised by the petitioner had mechanically rejected the appeal on 22.4.2002.

Learned counsel appearing for the petitioner contends that no opportunity was given to the petitioner during the course of enquiry; that the original driving licence was fell in water; that the respondents have not taken any steps to verify the genuineness of the original driving licence, which was issued at Mumbai and that the punishment imposed against the petitioner is shockingly disproportionate to the charges levelled against him.

Sri K.Lakshman, Learned Assistant Solicitor General appearing for the respondents, contends that since the petitioner has produced a fake driving licence for securing employment, the disciplinary authority had rightly imposed the punishment of removal from service for the proven misconduct, and opportunity was also given to the petitioner and therefore, the impugned order needs no interference. He further contends that the original driving licence discloses that the age of the petitioner at the time of issuing driving licence was 15 years and on that ground itself the driving licence has to be declared as illegal.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the disciplinary authority based upon the enquiry report, imposed the punishment of removal from service for the proven misconduct in the enquiry. As the allegation of fake and not having genuine driving licence are levelled against the petitioner, the removal order passed by the disciplinary authority cannot be said to be disproportionate to the charges levelled against him. There are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

28th August, 2018
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