

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

**CWP No.2317 of 2018
Date of decision: 2.5.2018**

Naresh Kumar

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms.Khyati Goyal, Advocate for the petitioner(s).

Mr. Harish Rathee, Sr.DAG Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner was selected for the post of Heavy Vehicle Driver and his name was placed in the waiting list. The Commission sent his name to the Depot for being offered appointment. By the impugned order dated 15.2.2017, his name has been cancelled. The order reads as follows:

“His licence No.661/DL/B/2004, which was renewed by R.T.A. Bhiwani, was sent for verification to R.T.A. Bhiwani which has been sent back by them and has been written that as per record this Licence No.C-920/2988/LA has been shown to be prepared at Delhi. Since this licence No.C-920/2988/LA has been issued from Delhi, therefore, Shri Lalit Kumar, Clerk of this department was sent personally to R.T.A. Delhi for verification of Licence No.C-920/2988/LA. Upon which, it has been reported that no record was found in their office regarding the concerned licence of the candidate. Therefore, it is requested to you that selection of Naresh Kumar Driver may kindly be cancelled.”

If the record is lost or not found in original in the office of

Transport Authority, Delhi, it could not mean that the license issued by the Delhi Authority to drive heavy motor vehicle only is not to be trusted. The original date of licence is 4.8.1994 with old No.C-920/2988. The petitioner belongs to Bhiwani. He has produced his license issued by the original Transport Authority Bhiwani authorising him to drive transport vehicles and in the photocopy of the Indian Driving Licence, Government of Haryana issued at Bhiwani as a symbol of truck which is a heavy vehicle. The original date of issuance of the licence is 4.8.1994 by the RTI Delhi. The date of birth is mentioned therein and the validity of license issued at Bhiwani is upto 2.11.2020 (TR). The petitioner applied under the RTI for information from Bhiwani in which information supplied is that the DL No.702-DL-13-97 C-920/2988 New Delhi. It was renewed upto 10.3.2007 w.e.f. 2.5.2004, then renewed w.e.f. 9.7.2007 to 25.11.2013 and then w.e.f. 21.6.2010 upto 24.10.2016 while presenting the driving license issued by the Licensing Authority Bhiwani upto 2020.

Learned counsel for the petitioner relies on a judgment of this Court in *CWP No.20832 of 2015 titled as Sarjeet Singh Vs. State of Haryana and others dated 15.11.2017* in which a Coordinate Bench reviewed that once the license has been renewed by the competent authority (in that case Rewari) in the year 2001 it would have been on the basis of following the requisite procedure and getting all the information from the Issuing Authority Faridabad. In that case, the defence was that the record is burnt at Faridabad for which FIR had been lodged. The Court took the view that petitioner Sarjeet Singh cannot be put to disadvantage and denied public employment undisputedly while he has license of transport vehicle.

Therefore, no reliance can be placed on the enquiry conducted by the General Manager, Haryana Transport Narnaul through Lalit Kumar, Clerk of the department sent personally to Transport Authority, Delhi for verification of the license. This Court is satisfied that the petitioner holds a valid driving license issued by the RTA Bhiwani and his candidature was wrongly rejected by the impugned order in a whimsical and arbitrary manner only on the ground that no record was found in the office of RTA Delhi. There is a sufficient link of evidence between the license issued at Delhi and one at Bhiwani and all the material particulars matched. Accordingly, this petition is allowed. Impugned order dated 15.2.2017 (Annexure P-6) is quashed. The petitioner will be treated as a candidate holding a valid driving license for heavy transport vehicle and his case for appointment be processed. The petitioner be offered appointment as a heavy vehicle driver forthwith after the formalities are complete i.e. medical check up, police verification etc. immediately.

[RAJIV NARAIN RAINA]

JUDGE

2.5.2018

Meenu

Whether speaking/reasoned : *Yes/No*

Whether Reportable : *Yes/No*