

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-4718-2015

Date of decision: 30.07.2018

Parmal Singh

...Petitioner

V/s.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Raj Kapoor Malik, Advocate for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

RITU BAHRI, J. (Oral).

The petitioner is seeking quashing of the order dated 01.08.2014 (Annexure P-5) by which his services has been terminated and further quashing of order dated 11.02.2015 (Annexure P-7) by which the appeal against the said order has been dismissed.

The facts of the present case are not disputed between the parties. The petitioner was appointed as Heavy Vehicle Contract/Daily Wages Basis Driver in Haryana Roadways pursuant to advertisement (Annexure P-1) and his appointment letter is at Annexure P-3. As per the application form placed on record by the respondents (Annexure R-2), he had been working from 07.10.1992 till November, 2012 with CRPF as a Driver to drive all types of vehicles at the monthly salary of Rs. 19,500/-. He had given his driving licence (Annexure R-1) which was valid upto 30.5.2016 and the original issue date of the licence was 14.05.1996. However, his services were terminated vide order dated 01.08.2014 (Annexure P-5) on the ground that driving licence was sent for verification to issuing authority, District Transport Officer, Dibrugarh, Assam and vide

office memo dated 24.01.2014, they informed that licence was recorded in the office on 14.05.1996 and the original licence had been issued by the DTO Along, Arunachal Pradesh and after that DTO West Siang District AALO has certified that this driving licence has been in the name of Parmal Singh S/o Sh. Ami Chand Village Fatehgarh, Tehsil Naraingarh, District Ambala had not been issued by their office and he had been terminated since his driving licence was fake. Against the termination order, the petitioner filed an appeal before the Joint Transport, Commissioner, Haryana which was rejected vide order dated 11.02.2015 (Annexure P-7). The petitioner was holding heavy vehicle driving licence bearing No. 30620/DBR issued on 09.04.1989 from the DTO, Churachandpur (Manipur) and thereafter Haryana Government vide memo dated 09.06.2015 directed the respondent No. 3 to do the needful and the respondents vide memo dated 07.08.2015 (Annexure R-9) got verified the licence. The District Transport Officer, Choora-Chandpur, Manipur vide memo dated 19.08.2015 (Annexure R-10) informed that that the original licence had been issued from their office and in view of this favourable report, the petitioner has taken back in service as contractual Driver (Annexure R-11) and since then he is working in the office of respondent No. 3 since 24.02.2016. Subsequently his services have been regularized vide order dated 08.12.2016 from the date of the initial appointment of the petitioner i.e. 24.02.2016 (Annexure R-12).

The only question for consideration before this Court is whether the services of the petitioner could be regularised from the date of his initial appointment i.e. 30.01.2014 as per Annexure P-2. The answer to this question would go in favour of the petitioner as per report (Annexure

R-10). A perusal of the report dated 19.08.2015 (Annexure R-10) shows that the driving licence had been issued by the District Transport Officer Churachandpur, Manipur and had been renewed from 04.09.2014 to 03.09.2017. A perusal of the order further shows that this licence had been issued on 14.06.1996. Since on the date of appointment, the petitioner was having valid driving licence.

This petition is allowed and the respondents are directed to issue a fresh regularization order alongwith all consequential benefits from the date of his initial appointment i.e. 30.01.2014 with 8% interest.

30.07.2018

Divyanshi

**(RITU BAHRI)
JUDGE****Whether speaking/reasoned****:****Yes/No****Whether reportable****:****Yes/No**