

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-6385-2014 (O&M)

Date of Decision:-19.04.2018.

Vijay Kumar

.....Appellant

Versus

Haryana State through Collector, Hissar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. N.C. Kinra, Advocate and
Mr. Harsh Kinra, Advocate for the appellant.

Mr. Rajesh Gaur, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant appeal, appellant has challenged the judgment of the Trial and Appellate Court dated 13.05.2010 and 25.08.2014, respectively.

2.) Appellant was having requisite driving licence to drive heavy vehicles pursuant to the driving licence issued on 25.08.2002. Based on the driving licence, he had applied for the post of Driver Constable and he was appointed on 13.03.2003. While working as such, he was subjected to disciplinary proceedings on the score that he did not have valid Heavy Motor Vehicle (HMV) driving licence having regard to the age read with the relevant rules for the purpose of issuing HMV driving licence. In other words, petitioner is stated to have manipulated factual age and obtained

HMV driving licence on 25.08.2002. In this regard, disciplinary proceedings were conducted and it was concluded in imposing the penalty of dismissal from service on 03.01.2007, whereas driving licence issued on 25.08.2002 was cancelled by the competent authority on 6.12.2006. Undisputedly cancellation of driving licence was not in vogue as on the date of initiation of inquiry and so also submission of Inquiry Officer's report to the disciplinary authority. In other words in the disciplinary proceedings, order of cancellation of HMV driving licence dated 6.12.2006 was not part and parcel so as to hold that petitioner did not have valid HMV driving licence. In other words, HMV driving licence which was issued on 25.08.2002 was cancelled only on 6.12.2006. In view of these facts and circumstances, both Trial and Appellate Court have not apprised dates and events relating to issuance of HMV driving licence read with the cancellation of HMV driving licence dated 25.08.2002 and 6.12.2006. In view of these facts and circumstances, Trial and Appellate Court judgment dated 13.05.2010 and 25.08.2014 are set aside.

3.) Appeal stands allowed. Reserving liberty to the competent authority to initiate fresh inquiry with reference to cancellation of HMV driving licence dated 6.12.2006. In the meanwhile, petitioner is entitled to consequential service and monetary benefits during the intervening period from 03.01.2007 i.e. date of dismissal till reinstatement.

(P.B. BAJANTHRI)
JUDGE

April 19, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.