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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7285/2018

RAVINDER SINGH AND ANR. Petitioner

Through: Mr. Anil Mittal with Ms. Komal
Aggarwal, Advs.

versus

DELHI TRANSPORT CORPORATION. Respondent

Through: Mr. U.N. Tiwary, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

05.12.2018

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The petitioners assail the order dated 08.02.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in OA No.366/2017 & OA No.375/2017. By the said common order their respective Original Applications have been rejected by the Tribunal. The petitioners after serving as contractual drivers with the respondent, were appointed on regular basis and placed on probation for a period of two years. While on probation, their documents were sent for verification. Both the petitioners had obtained their respective driving licences from the Licensing Authority, Mathura, U.P. When the inquiry was made by the respondent, it was found that the said licences had not been issued in the name of the petitioners, but in the name of other persons, that is to say, the licences were fake. The respondent, consequently, terminated the services of the petitioners/probationers by orders which are not stigmatic.

The termination order in respect of one of the petitioner - Ravinder

Singh reads as follows:-

“The services of Sh.Ravinder Singh S/o Sh.Balbir Singh, Driver B.No.25777, P.T.No.67780 are hereby terminated under clause 9(a)(i) with immediate effect of the DRTA (Conditions of appointment and services) Regulation, 1952 as per terms & conditions of his appointment circulated by letter No.PLD-3(DSSSB)/Dr.Other State/2010/253, dt.18.01.2011 and letter No.PLD-3/DSSSB/Dr.Other State/2011/1290, dt.18.03.2011 dt.18.03.2011 respectively.

He has not opted DTC Pension scheme as per record.

He is required to deposit all the DTC articles in his possession with the office of the undersigned within 24 hours of the receipt of this memo, not deposited of the DTC Articles by him in accordance with the instructions (part-i) as contained in O.O.03 vide letter No.Adm.I-7(42)/2013/109 dated 08.02.2013 will render him liable to pay a penalty of Rs.50/- per day for the days he keeps any of DTC articles in his possession after the specified period of 24 hours. In case of Police Report lodge on the date or after termination regarding loss of any returnable articles, a penalty of Rs.5,000/- will be imposed upon him at the time of settlement of the dues in accordance with the instructions (part-ii) as contained in O.O.3.No.Adm.I-7(42)/2013/109 dated 08.02.2013.”

The termination order in respect of the other petitioner - Dharmender Singh is also in similar terms.

Aggrieved by their termination, the petitioners approached the Tribunal which has dismissed the Original Application on the premise that the termination orders are not stigmatic and the respondent was entitled to terminate their services since they were probationers.

The submission of learned counsel for the petitioner is that the petitioners are in a position to establish that the Verification Report obtained by the respondent was not correct and that their respective licences are

genuine.

In our view, the petitioners have no right to require the respondents or this Court, to undertake the said exercise. It cannot be said that the termination of the services of the petitioners was not premised on cogent considerations. The termination orders by themselves are non-stigmatic. The respondent – DTC or this Court cannot be called upon to now undertake an inquiry as to whether or not the licences of the petitioners are genuine and whether the Verification Report obtained by the respondent was correct or incorrect.

Unilateral production of same certificate or communication from the Licensing Authority at Mathura by the petitioners would not suffice and inquiry would have to be gone into to establish the genuineness of the licenses produced by the petitioners which the respondent DTC was not obliged to go into since the petitioners were probationers and the termination is not punitive.

In these circumstances, we dismiss the writ petition. However, in case, the petitioners are able to obtain judicial orders declaring that their licenses are genuine, they may apply afresh in case the DTC hold recruitment process for drivers and their application may be considered on that basis.

Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

DECEMBER 05, 2018

N.Khanna