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

+ W.P.(C) 1888/2019& CM APPL. 8828-8829/2019

ASHOK KUMAR Petitioner

Through: Mr. Rajeev Sharma, Adv.

versus

CHIEF SECRETARY & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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25.02.2019

1. The petitioner assails the order dated 02.05.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (Tribunal) in RA No.216/2017 in OA No.284/2013.

2. The petitioner had preferred the aforesaid OA since his services were terminated by the respondents on the ground that his heavy duty driving licence was found to be forged. The petitioner's Original Application along with several others were dismissed by Tribunal on 07.07.2014. The writ petitions preferred before this Court, including by the petitioner, being WP(C) 4337/2015 were also dismissed on 01.05.2015. While dismissing the Original Application, what weighed with the Tribunal is evident from the following observations made by the Tribunal in the said decision:

“In view of the above seminal finding, i.e., the applicants have not questioned the Report dated 15.11.2010 of the RTO, Agra till date, wherein it was stated that the driving licences of the

applicants were forged and not issued by the Competent Authority and no fee has been deposited in that office for issuance of the same and against one of its employee Shri Sita Ram, who was responsible for this fraud, departmental and criminal action was initiated, and the impugned action of the respondents is only a consequential action to the said Report dated 15.11.2010, and that they have no other alternative except to accept the same, unless the same is declared invalid and not binding on them by any Authority or Court, and also in view of the judgement in OA No. 807/2013 and batch, we do not find any merit in the present OAs. For the same reasons, the grounds now raised and the judgements relied on, in support of the said grounds, all being relating to the consequential termination basing on the unquestioned Report dated 15.11.2010, need not be gone into.”

This Court in its decision, while dismissing the writ petition *inter alia* observed:

“It was for the petitioners to have taken steps to challenge the decision of the Transport Authority, Agra before the Competent Court of law and having taken no steps in this regard even after they were made aware of the said decision, by itself speaks volumes of the conduct of these petitioners. We cannot be oblivious of the fact that the Agra Transport Authority, Agra has already identified the main man behind this whole murky affair, i.e. one Sita Ram Verma against whom a criminal case was registered and he was arrested and placed under suspension.

3. The petitioner accepted the decision of this Court dated 01.05.2015. However, he swung into action and preferred the Review Application aforesaid before the Tribunal on the premise, that the Transport Department, Uttar Pradesh has uploaded the extract of the driving license in relation of the petitioner, from which he concludes that the said license has been validly issued.

4. Despite the dismissal of the Original Application and the writ petition, as aforesaid, admittedly, the petitioner did not question the report dated 15.11.2010 of the Regional Transport Officer (RTO), Agra. No independent proceedings were initiated by the petitioner ever to challenge the report of the RTO, Agra. Only on the basis of the extract of Driving License uploaded by the Transport Department, Uttar Pradesh, the petitioner now wants the Tribunal/Court to conclude that the report of the RTO dated 15.11.2010, impliedly, stands withdrawn, and that the petitioner wishes this Court to believe that the RTO has retracted its report and recognised the license granted to the petitioner.

5. We are afraid that no such implication can be drawn, merely on account of uploading of the extract of the driving license by the Transport Department, Uttar Pradesh. The petitioner is still not able to satisfy that the contents of the report dated 15.11.2010 of the RTO, Agra were not true. For the aforesaid reasons, we find no merit in this petition.

6. Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 25, 2019

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