

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-29973-2018
Date of decision: 29.01.2020

Rajesh Kumar

...Petitioner(s)

V/s.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Pradeep Sehrawat, Advocate for
Mr. J.P.Jangu, Advocate
for the petitioner.

Mr. Randhir Singh, Advocate
for State of Haryana.

Ms. Manjeet Kaur, Advocate for
Mr. R.D.Yadav, Advocate
for respondent No. 4.

RITU BAHRI, J. (Oral).

By this petition, the petitioner is seeking quashing of show cause notice dated 21.11.2018 (Annexure P-5) as to why his services should not be terminated.

The brief facts of the case are that the petitioner had applied for the post of Driver in the Transport Department and his driving licence was issued by Licensing Authority, Mathura, which was verified by the authorities. The petitioner was issued show cause notice dated 21.11.2018 (Annexure P-5) as his driving licence was found forged.

On notice of this petition, written statement on behalf of respondents No. 1 to 3 has been filed. As per the report dated 13.11.2018 (Annexure R-1) placed by the respondents alongwith written statement,

there was no mention in whose name the receipt had been issued while issuing driving licence dated 31.12.1999. The last driving licence issued by the same authority was 31.12.2003. Hence the respondents are not disputing the licence which had been issued in December, 2003 and verification report dated 04.06.2009 (Annexure P-1) also shows that licence was valid from 31.12.2003 to 30.12.2006. The petitioner had valid driving licence from 31.12.2003 and he had driven vehicle of the State Transport Department for almost 10 years till the date show cause notice dated 31.11.2018 (Annexure P-5) was issued to him.

A similar case i.e. *CWP-5406-2018 titled as Asha Ram V/s. State of Haryana and others* had come up for consideration. The driver in this case was also issued show cause notice and his eligibility was doubted on account of driving licence being in dispute. The writ petition was allowed.

In the present case, the show cause notice has been issued wrongly as the petitioner had passed driving test as per instructions and driving test (Annexure P-4). For all intents and purposes, he is duly eligible to hold the post of driver.

Keeping in view above, writ petition is allowed and the show cause notice dated 21.11.2018 (Annexure P-5) is set aside.

(RITU BAHRI)
JUDGE

29.01.2020
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No