

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-14534-1999 (O&M)

Date of decision: August 29, 2022

Hoshiar Singh

.....Petitioner

versus

The State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jagdish Manchanda, Advocate,
For the petitioner.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 15.03.1995 (Annexure P-1) whereby the services of the petitioner were discontinued and direct the respondents to take back petitioner in service.

2. The petitioner was appointed as Driver on contract basis on 20.04.1992 with the Haryana Roadways at Karnal. Petitioner's service was discontinued on 15.03.1995 because he submitted a bogus Driving Licence at the time of his appointment. As per the report of Licencing Authority, Solan dated 12.09.1994 (Annexure R-4), the License which was submitted by the petitioner was not issued by their office. So the driving Licence on behalf of which the petitioner was appointed as Driver, was found fake and bogus. The petitioner made a representation to the appellate authority i.e. Transport Commissioner, Haryana and the same was rejected vide order dated 29.01.1996.

3. Concededly petitioner is around 52 years of age and at this stage he is way beyond the age of employability as a Driver of Heavy Passenger Vehicle in Haryana Roadways. Not only that, due to the long interregnum and pendency of the writ petition one does not know if he has been regularly driving heavy Passenger Vehicle/bus which requires certain expertise and specialized nature, given that the life of the passengers is dependent on the safe driving of the bus.

4. Even otherwise, no fault can be found with the order dated 29.01.1996 (Annexure R-7) which is premised on the impugned order dated 15.03.1995 (Annexure P-1), which reads thus:-

“Order No. ECD Dated 29.03.1995

You Shri Hoshiar Singh s/o Shri Hari Singh Special 7 was appointed as driver on contract basis vide order No.305 ECD dated 24.04.1992. You have given a copy of driving licence N.AH-3975 to this office. This office inquired vide letter No.1447 ECD dated 3.2.94, reminder No.15420 ECD dated 20.11.94 and No.16645 ECD dated 22.12.94 from the licencing and registration authority, Solan District Solan, HP whether the above driving licence of Shri Hoshiar Singh s/o Shri Hari Singh was issued by his office or not. The registration and licencing authority, Solan had informed to this office vide letter No.LA-93-18 dated 5.1.1995 that above licence of Shri Hoshiar Singh was not issued by his office. From this it is clear that at the time of appointment the licence given by you to this office was fake. In this way you have committed a fraud with the transport department by producing fake driving licence for obtaining the post of driver. Hence in the public interest your services are being terminated with immediate effect.

Sd/-

General Manager,
Haryana Roadways, Karnal”

5. Perusal of the above reflects that petitioner’s representation to be taken back was rightly rejected. Even otherwise, no steps have been taken to impugn the order dated 29.01.1996 (Annexure R-7).

6. At this stage after 1996, it is too belated to challenge the same which has by sheer passage of time attained finality. Moreover, petitioner having acquiesced to *fate accompli* coupled with not assailing order dated 29.01.1996 (Annexure R-7) cannot now turn around and seek issuance of mandamus directing the respondents to induct him in service by disregarding well reasoned order as above.

7. No grounds are made out to interfere.

8. Dismissed.

(ARUN MONGA)
JUDGE

August 29, 2022

dharamvir

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No

