

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

CWP-10953-2017

Date of decision: 16.05.2022

CHANDER PAL

...Petitioner

versus

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Viney Saini, Advocate,
For the petitioner

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing respondents No.1 and 2 to issue Appointment/Joining letter to the petitioner for the post of Heavy Passenger Transport Vehicle Driver.

2. I have heard learned counsel for the parties and gone through the case file.

3. The short controversy is with regard to the genuineness of the driving licence issued to the petitioner for heavy vehicles. The competing arguments of the learned counsel are essentially merely on facts as there is no question of law involved herein. Qua the disputed facts, the department appointed an inquiry officer to make proper verification of the licence in question. For the purpose, he was made to go all the way to Hyderabad, from where the original license is stated to have been issued. After making the inquiries at Hyderabad, report (Annexure R-13) was rendered giving *inter alia* following findings:-

“Refer to your office letter no.309/RK dated 11.01.2018 vide which, I, Karnail Singh, Accounts Officer and Sh. Vinod Kumar, TVF were deputed to verify the above licence personally.

In compliance of your order we have personally visited the office of Assistant Secretary, RTA, Khairatabad, Hyderabad on dated 16.01.2018. During our visit the office of Assistant Secretary, RTA Khairatabad, Hyderabad has directly refused to verify this licence on the ground that driving licence no.7463/RTA/AMB/96, dated 25.10.1989 is purportedly issued by RTA Ambala. Hence, genuineness of Driving Licence may be obtained from RTA Ambala.

We have requested to the Secretary RTA that Sh. Chander Pal S/o Sh. Sheo Singh R/o Vill. Sudpur, Tehsil Thanesar, District Kurukshetra had filed a writ petition in the Hon’ble Punjab and Haryana High Court. Therefore, kindly verify the genuineness of this licence. On our request they have traced the old record and shown us in which licence no. 1896/HC/1989 to 1930/HC/1989 on dated 25.10.1989 had been issued by their office.

On the perusal of their record and letter issued vide their memo no. misc/C6//2018 dated 16.01.2018 it is clear that DL No.C-75419/89 dated 25.10.1989 had not been issued by their office which is found fake.

Report along with letter no. misc./C6/2018 dated 16.01.2018 is placed for your kind information and necessary action please.”

4. Perusal of the aforesaid reflects that after making all out efforts, the department found that the driving license issued to the petitioner is fake. The same though is disputed by learned counsel for the petitioner that proper licence number was not mentioned, he states that driving licence issued to the petitioner from Hyderabad bears No.75419 of 1989.

5. Having perused the inquiry report, I am in disagreement with the arguments canvassed by the learned counsel for the petitioner as in the report itself, the Hyderabad driving licence number has been clearly mentioned as SDL-C-75419/89.

6. There is no room for any ambiguity as has been argued by learned counsel for the petitioner. Neither any *malafide* has been alleged nor I

am of the opinion that having gone all the way to Hyderabad, the department would have any kind of ill-will against the petitioner to non-suit him on the ground of fakeness of the licence.

7. Be that as it may, disputed questions of facts cannot, in any case, be adjudicated on the basis of affidavits under extraordinary writ jurisdiction.

8. No grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

May 16, 2022

Vandana

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