

2023:PHHC:106100

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

RSA-777-2019 (O&M)
Date of decision: 10.08.2023

Amrik Singh

..Appellant

Versus

State of Haryana and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Keshav Pratap Singh, Advocate for the appellant

Ms. Vibha Tewari, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

CM-1778-C-2019

1. After hearing the learned counsel representing the applicant and for the reasons stated in the application, delay of 641 days in re-filing the present appeal is condoned.

2. CM stands allowed.

CM-1768-C-2019

3. After hearing the learned counsel representing the applicant and for the reasons stated in the application, delay of 8 days in filing the present appeal is condoned.

4. CM stands allowed.

Main case

5. This Regular Second Appeal has been filed by the plaintiff to assail the correctness of the concurrent findings of fact arrived at by the courts below, while dismissing his suit for grant of decree of declaration with a consequential relief of mandatory injunction. In

substance, the appellant secured an appointment as a Driver of a bus on the basis of a fake driving license. He was also involved in an automobile accident, which resulted in the registration of FIR no.241 dated 27.12.2001. On being found that the driving license of the appellant was fake, a charge-sheet was issued and after the receipt of the reply, disciplinary inquiry was held on receipt of the report from the Gwalior Licensing Authority to the effect that no driving license has been issued to the appellant. On the basis of the aforesaid report, the inquiry officer reported that the charges against the appellant stand proved. The disciplinary authority, on the basis of the inquiry report, dismissed the appellant from service, which was affirmed in the appeal as well as the revision petition. Subsequently, the appellant challenged the aforesaid orders in a civil suit. The trial court dismissed the suit. In the First Appellate Court, an application for permission to lead additional evidence under Order XLI Rule 27 of the Code of Civil Procedure, 1908, was filed in order to prove that the driving license was subsequently renewed from Karnal. The First Appellate Court dismissed the application as well as the appeal. Alongwith the present appeal, again the same additional evidence is sought to be produced.

6. Learned counsel representing the appellant contends that the driving license was renewed by the Karnal Licensing Authority, after taking a proper test. Hence, the appellant possesses a valid driving license.

7. This Court has considered the submissions made by the learned counsel representing the parties. The appellant got employment on the basis of a driving license issued by the Gwalior Licensing Authority, which has been found fake. In such circumstances, the disciplinary authority considered it appropriate to dismiss the appellant from service. Subsequent renewal of the driving license would not make any difference to the result of the case. Hence, no ground to interfere is made out.

8. Dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

10.08.2023

rekha

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

(ANIL KSHETARPAL)
JUDGE