

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

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CWP-12330-2017

Date of Decision : October 16, 2023

Karan Singh**...Petitioner**

Versus

State of Haryana and others**... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Ramesh Kumar Dhiman, Advocate for the petitioner.

Mr. Saurabh Mohuna, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, prayer of the petitioner is for setting aside the order dated 02.04.2009 (Annexure P-2) by which, the petitioner was dismissed from service as well as order dated 06.09.2013 (Annexure P/5) by which, an appeal filed by the petitioner against the said dismissal order was rejected by the respondents.

2. Certain facts need to be mentioned for the correct appreciation of the issue in hand.

3. Petitioner, who was working as driver with the respondent-State met with an accident and keeping in view the said accident, an FIR No.396 dated 09.07.3002 registered under Sections 279, 337 and 338 of the IPC at Police Station Sadar, Distrcit Fatehabad against the petitioner. Keeping in view the registration of an FIR, the petitioner was placed under suspension.

Thereafter, the petitioner was acquitted in the said criminal proceedings but

keeping in view the fact that the said accident also gave entitlement to the family of the victim to file a claim petition for compensation under the Motor Vehicles Act, 1988, a claim petition was filed before the Motor Accident Claim Tribunal, Sirsa (hereinafter referred to as 'tribunal') by the aggrieved party.

4. While deciding the said claim petition, a finding was recorded by the tribunal that licence of the petitioner was fictitious. Keeping in view the said finding of the tribunal which had also attained finality as the petitioner never challenged the said finding, the petitioner was dismissed from service by the respondents vide order dated 02.04.2009 on the ground that licence on the basis of which the petitioner claimed and got an appointment to the post of driver is a forged document. Against the said order of dismissal, the petitioner filed an appeal, which came to be dismissed by the appellate authority vide order dated 06.09.2013 hence, the present writ petition.

5. Learned counsel for the petitioner argues that merely on the basis of the finding recorded by the tribunal qua the licence of the petitioner, petitioner could not be dismissed from service as the same is not binding upon the department.

6. Learned counsel for the respondents submits that once a specific finding has been recorded by the tribunal on the basis of the facts which were brought before the tribunal that the licence which the petitioner was holding was a forged document, the said finding is binding upon the department as the petitioner never challenged the said finding and the same got affirmed. Learned counsel for the respondents further submits that the document on the basis of which the petitioner was appointed is a forged

document and any appointment availed on the basis of forged document can be terminated by the department.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. It is a conceded position that the petitioner had claimed appointment on the post of driver on the basis of the driving licence, which driving licence has been held to be forged by the Motor Accident Claims tribunal. Said finding of the tribunal has not been assailed by the petitioner and the same has attained finality. Under these circumstances, the respondent-department is well within its right to take the said finding of the tribunal into consideration so as to pass an appropriate order as to whether the petitioner was entitled to continue in service keeping in view the fact that he was holding a forged driving licence and had secured an appointment on the basis of a forged document hence, action of the respondent-department in dismissing the petitioner from service on the basis of the finding recorded by the competent Court of law, which finding has already attained finality as the petitioner has not assailed the same, cannot be termed as arbitrary and illegal.

9. Further, it is a settled principle of law that in case anyone gets an appointment on the basis of a forged document, his/her appointment can be terminated upon finding of fact, which action has been taken by the department concerned vide impugned order.

10. In the present case, finding of fact has already been recorded by the tribunal that the licence of the petitioner is a forged document, which finding has attained finality as the petitioner has not assailed the said finding, that being so, no ground for interference by this Court is made out

and the present petition is accordingly dismissed.

October 16, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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