

116

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

CWP-9232-2017

Date of Decision:06.12.2023

KANSHI RAM

..... Petitioner

Versus

BBMB & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Dhiraj Chawla, Advocate
for the petitioner.

Mr. Sachin Mittal, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of punishment order dated 02.03.2017 (Annexure P-23).

2. The petitioner was appointed as Fireman with respondent in the year 1987. The next promotional post was Leading Fireman. As per prescribed mode for the post of Leading Fireman, there was 80% quota for the internal employees and balance appointments had to be made by direct recruitment. The petitioner with intent to get promotion submitted Heavy Vehicle driving license issued by DTO, Hoshiarpur. The petitioner undertook that if his driving license is found fake, he may not be granted promotion. A long chain of communication took place between respondent and office of DTO. At one stage, it was declared that driving license is genuine, however, Appellate Authority vide order dated 25.04.2014 (Annexure R-1/3) concluded that driving license is fake, thus,

it is liable to be cancelled.

3. Learned counsel for the petitioner could not controvert the fact that petitioner has accepted order dated 25.04.2014 whereby his driving license has been cancelled. Learned counsel also conceded that there was undertaking by petitioner to the extent that if driving license is found fake, he may not be granted benefit of promotion. It is apt to notice that petitioner has already retired on attaining age of superannuation in the year 2017.

4. It is settled proposition of law that appellate order relates back to date of cause of action. Unless and until, it is specifically directed, order is not prospective. The Appellate Authority has cancelled driving license of the petitioner on the ground that it is fake. It is further settled proposition of law that fraud vitiates everything. The cancellation of driving license by order dated 25.04.2014 relates back to its alleged issuance. The petitioner has furnished undertaking to the effect that he may not be promoted, if license is found fake.

5. In the wake of above fact and findings, this Court is of the considered opinion that petitioner was not entitled to promotion and there is no infirmity in the impugned orders warranting interference of this Court.

6. The present petition stands dismissed.

(JAGMOHAN BANSAL)
JUDGE

06.12.2023
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>