

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(220)

CWP-9086-2015 (O&M)

Date of Decision : April 18, 2024

Surinder Pal

.. Petitioner

Versus

State of Haryana and others

.. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Karanvir Singh Khehar, Advocate, for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. Present writ petition has been filed challenging the order dated 18.03.2013 (Annexure P-6) by which, after holding an enquiry into the allegations as to whether or not, driving licence submitted by the petitioner at the time of recruitment is fake, the petitioner was dismissed from service after the charges were proved as well as to the order dated 14.08.2014 (Annexure P-7) and 13.03.2015 (Annexure P-8) by which, the appeal preferred by the petitioner against the dismissal order dated 18.03.2013 has been dismissed by the appellate authority.

2. Learned counsel for the petitioner submits that the licence submitted by the petitioner at the time of recruitment to the post of Driver which was issued by the Regional Transport Authority, Gurdaspur is perfectly valid and legal and is genuine.

3. Learned counsel for the petitioner submits that an FIR was also registered against the petitioner for possessing the fake licence which FIR has been cancelled by the police vide order dated 28.07.2016 holding that after the investigation, the licence issued by the District Transport Officer, Gurdaspur has been found to be valid and the allegation alleged against the petitioner that the said licence was fake, have not been proved.

4. Learned counsel for the petitioner further submits that keeping in view the said material facts that came on record, the order dismissing the petitioner from service on the ground that the petitioner had obtained employment on the basis of the forged driving licence, loses its significance. Learned counsel for the petitioner further submits that the appellate authority should be directed to pass a fresh order in view of the facts which have come on record including the cancellation report dated 28.07.2016 so as to decide whether the order dated 18.03.2013 (Annexure P-6) by which, the service of the petitioner has been terminated, is liable to be withdrawn or not.

5. Learned State counsel does not raise any objection for deciding the appeal of the petitioner afresh in accordance with law keeping in view the facts and circumstances which have come on record after deciding the appeal especially the cancellation report dated 28.07.2016.

6. Keeping in view the above, the order passed in appeal dated 14.08.2014 (Annexure P-7) as well as the order dated 13.03.2015 (Annexure P-8) deciding the appeal filed by the petitioner are set aside. The case is remanded back to the Appellate Authority to decide afresh by taking into consideration all the relevant facts including the observations made in the cancellation report and thereafter decide as to whether, order dated 18.03.2013 (Annexure P-6) dismissing the petitioner from service on the

ground that he had submitted a forged driving licence at the time of recruitment to the post in question, can sustain or not. Let the fresh order be passed within a period of eight weeks of the receipt of the copy of this order. The Appellate Authority is also directed that the petitioner be given an opportunity to personally appear and show the actual facts qua the driving licence which he submitted at the time of recruitment.

7. The present writ petition is disposed of in above terms.
8. Any civil miscellaneous application pending if any, also stands disposed of.

**April 18, 2024**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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