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

(213)

**CWP-15182-2018 (O&M)
Date of Decision : May 15, 2024**

Vijay Pal

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gopal Sharma, Advocate, for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Mr. Shivam Malik, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that the petitioner competed for the post of Heavy Vehicle Driver as advertised by the respondents and he was selected on the said post and is working with the Haryana Roadways since 21.02.2012 but vide order dated 25.06.2018 (Annexure P-5), the services of the petitioner were terminated.

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

3. A complaint was received with regard to the driving licence which the petitioner submitted as a proof of his eligibility that the said driving licence was fake. A request was sent to the RTA, Mathura from where the licence was alleged to have been issued to the petitioner and as

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per the information received by the respondent-Department, the said driving licence has not been issued by it and there is no proof that any fee was deposited by the petitioner while securing the said licence so as to ascertain the validity/genuinity of the same. On the basis of the said information, a show cause notice was issued to the petitioner as to why, his services be not terminated as he has secured appointment on the post of Heavy Vehicle Driver on the basis of forged licence. Keeping in view the reply filed, the Department ultimately passed an order on 25.06.2018 (Annexure P-5) holding that the employment secured by the petitioner was on the basis of forged licence and his services were terminated. The said order is under challenge in the present writ petition.

4. Learned counsel for the petitioner argues that the licence of the petitioner is being declared fake only on the ground that the respondents did not had any record of deposit of the fees while securing the said licence whereas, the issuance of the licence is not being disputed and hence, licence is valid.

5. As per the respondents, the information was received from the RTA, Mathura wherein, it has been mentioned that no such proof of the issuance of the record is available and hence, the said licence is fake. The RTA, Mathura has also been impleaded as respondent which authority has also filed the reply wherein, it has been mentioned that all the record of the year 1996 were digitalized and driving licences were issued in a particular pattern, which pattern is missing in the licence being alleged to have been issued by RTA, Mathura and the said driving licence is not issued by RTA,

Mathura. Respondent No.4 is on record to say that no record about the

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issuance of a licence to the petitioner as presented by him while securing the job, has been found in the record and hence, the same be treated as fake.

6. Learned counsel for the petitioner submits that in case there was no record of licence which was presented by the petitioner to secure the job then why the said driving licence was verified by the RTA Mathura at the first place itself and hence, a different stand has been taken by RTA Mathura in the facts and circumstances of the present case. Learned counsel for the petitioner further submits that licence of the petitioner also came for consideration before the MACT Court wherein, the same stand was taken by the respondents but the benefit of doubt was given in favour of the petitioner to hold the licence valid.

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

8. It may be noticed that tendency of securing job on the fake documents is gaining momentum. The eligible persons keep on waiting whereas, the ineligible persons get appointment on the basis of fake documents. As and when any such incident is brought to the notice either of the authorities or the Court, the same has to be viewed with strictness so that only the genuine and eligible person gets appointment.

9. In the present case, the petitioner has shown a particular driving licence to prove the Department concerned so as to prove his eligibility to compete for the post of Heavy Vehicle Driver. The said licence was supposedly issued by RTA Mathura. When RTA Mathura was asked about the said driving licence, they have clearly replied that no such licence has been issued by them and rather has gone to the extent that as per

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the record available, not even the fees to secure the said licence was ever deposited by the petitioner. Not only this, the RTA Mathura, which authority is respondent, has further gone to say that the licence number which has been shown on the alleged driving licence of the petitioner was not being followed at the time of issuance of licence in the year 1996 and as per the digitalized record, when compared with the alleged licence of the petitioner, it has to be said that the said driving licence has never been issued by RTA Mathura and the same is fake. Once an authority who is allegedly has issued the licence, is categoric to say that the licence is fake, this Court is not to dispute the said fact especially when there are no allegations of mala fide against anyone.

10. With regard to the averment that the MACT Court has already upheld the said driving licence of the petitioner. It may be noticed that the proof as required to prove the allegations qua the driving licence before the MACT Court and required before the departmental enquiry, are entirely different. Even the probabilities are to be taken into account for deciding the departmental proceedings. Even in the judgment of the MACT Court, only the benefit of doubt has been given to the petitioner with regard to his licence even though, all the facts were brought to the MACT Court that no record exist qua the issuance of the licence in favour of the petitioner. Once, the basic document of deposit of fees by the petitioner to secure the said driving licence, was not available coupled with the fact that the respondent-RTA Mathura is on record to say that the licence series being followed at the time when the alleged licence was issued to the petitioner is entirely different than the one shown in the alleged driving licence of the

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petitioner, there is no reason why to doubt the said assertion of an RTA Mathura, which is an independent body especially when there is no allegation of mala fide.

11. Further, the claim of the petitioner is that as per the RTA Mathura, the record of the licence is burnt in the year 2016 and hence, how it can be said that the petitioner was not issued the driving licence in question. It may be noticed that all the record, which is needed to verify the licence was not burnt. The issuance of a licence can be verified by the licence number, other record being maintained at different levels. The first record which is very material is deposit of the fees to secure the licence and a person who intends to get a licence deposit the amount in question, which receipts are very much available with respondent No.4 i.e. RTA Mathura and they are categorical that no such fees was ever deposited by the petitioner to secure the licence in question. Even the record in question has also been annexed with the written statement filed by respondent No.4 to prove their assertion. That being so, the same has gone un rebutted.

12. Keeping in view the above, when the petitioner has not been able to prove the genuinity of his driving licence especially when the issuing authority is disputing the same, this Court cannot record a finding on the asking of the petitioner that the petitioner had secured the job on a valid licence.

13. With regard to the verification issued initially, the same cannot be given benefit when the deeper-probe was done by the authorities concerned with regard to the issuance of the licence. Nothing has come on record as to under what circumstances the verification of the driving licence

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of the petitioner dated 02.12.2015 (Annexure P-16) was issued. Once, the respondents have produced the entire record before this Court on an affidavit that there exist no record of issuance of the alleged licence to the petitioner, verification letter received will have no meaning.

14. Keeping in view the above, no ground is made out for any interference by this Court in the present case.

15. Dismissed.

16. Any civil miscellaneous application pending if any, also stands disposed of.

May 15, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes