



2024:DHC:6637-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: 27th August, 2024*

+ W.P.(C) 11728/2024 & CM APPL.48790-92/2024

BHUPENDER SINGHPetitioner

Through: Mr. Suryavir, Mr. Lalit Kumar, Mr.
Sumit Kumar and Mr. Sanoj Malik,
Advocates

versus

GOVT OF NCT OF DELHI AND ORS.Respondents

Through: Ms. Avnish Ahlawat, St. Counsel-
GNCTD with Mr. Nitesh Kumar
Singh, Ms. Laavanya Malik, Ms.
Aliza Alam and Mr. Mohnish
Sehrawat, Advocates for GNCTD

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

J U D G M E N T (oral)

1. The present petition has been preferred by the petitioner under Articles 226 & 227 of the Constitution of India seeking setting aside of the impugned order dated 06.07.2021 passed by the learned Central Administrative Tribunal (the Tribunal), Principal Bench, New Delhi whereby the OA 800/2021 filed by him was dismissed.

2. Petitioner is also seeking quashing of consequential orders dated 16.10.2020 & 12.01.2021 passed by respondent No.3/DTC whereby his



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provisional selection to the post of Manager (Traffic) was cancelled, with further direction to the respondents to restore his appointment with all consequential benefits, including seniority and pay allowances from the date of his appointment, is also sought.

3. The brief fact of the case are that the respondent No.2/DSSB vide Advertisement No.01/2015 dated 20.10.2015 published vacancies of various posts including the post of Manager (Traffic) vide Post Code No.25/2015 in respondent No.3/DTC for total number of 18 vacancies, out of which 4 vacancies were reserved for OBC category. The essential experience for the said post was at least 3 years' experience of supervisory duties in a traffic department of a Road State Transport Corporation/Undertaking or of some other important road transport concern.

4. Petitioner applied for the post of Manager (Traffic) under OBC category and qualified the written examinations. Thereafter, he submitted e-dossier online by uploading all of the requisite documents of his educational qualifications and experience etc.

5. According to petitioner, he had uploaded the experience certificate dated 01.02.2011 issued by M/s Khatri Logistic certifying that he has worked as Traffic Manager from 01.11.2016 to 31.12.2010, which was a supervisory post. However, after verification of documents, respondent No.2 opined that the petitioner did not have the prescribed experience. Vide order dated 04.11.2019, the respondents rejected his candidature. Thereafter, the petitioner made a representation dated 21.02.2020 and also sent reminder dated 11.08.2020 to the respondents, requesting to consider his experience certificate for the said post but the respondents did not consider his



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representation.

6. Being aggrieved the petitioner filed OA No.1221/2020 challenging the order dated 04.11.2019 before learned Tribunal, which was disposed of vide order dated 04.09.2020 with direction to respondent No.3 to consider and decide petitioner's representations dated 21.02.2020 and reminder dated 11.08.2020 and pass a reasoned and speaking order.

7. Thereafter, vide order dated 16.10.2020, the respondent No.3 rejected the representations dated 21.02.2020 and 11.08.2020 made by the petitioner and cancelled the provisional selection observing as under:-

“And whereas the dossier of Sh. Bhupender Singh S/o Sh. Rajender Singh was forwarded by the DSSSB alongwith the experience certificate as issued by M/s Khatri Logistic, A-3. Mahendru Enclave (Near Mehfil Banquet Hall,) Delhi-110033 that he had worked as a Traffic Manager in the said Transport Company. But on the other hand, as per the application form (online) submitted by Sh.Bhupender Singh, he was mentioned his experience of M/s Giriraj Transport Corporation for the period from 22.01.2012 to 27.10.2015. But at the time of verification of documents, Sh. Bhupender Singh did not submit any experience certificate issued by M/s Giriraj Transport Corporation. On enquiry, Sh. Bhupender Singh himself admitted in writing that he never worked in Giriraj Transport Corporation. He had further stated that he worked in Khatri Logistic as Manager (Traffic) and looking after the work of truck, tempo and tourist buses.

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And whereas since Sh. Bhupender Singh had himself admitted that he never worked in Giriraj Transport Corporation rather he had worked with the M/s Khatri Logistic, therefore, his provisional selection was made by the DSSSB on the basis of incorrect information of his 'experience of Giriraj Transport Corporation as mentioned by him in his application form. However, even after considering his experience certificate as issued by M/s Khatri Logistic which were provided only transportation of logistic services through only tour vehicle tempo trucks, therefore, Sh. Bhupender Singh does not fulfils the condition of requisite experience of compulsory duties in a traffic department of a State Road Transport Corporation/undertaking or of some other important road transport concern, as prescribed in the Recruitment Rules(RRs) for the post of Manager (Traffic) in DTC."

8. The petitioner filed another application being OA No.800/2021 before the learned Tribunal, which was dismissed by the learned Tribunal vide order dated 06.07.2021 thereby upholding the order 16.10.2020 passed by the respondents, which is assailed in the present petition.
9. During the course of hearing, learned counsel appearing on behalf of petitioner submitted that at the time of inviting application, there was no criteria for having minimum number of transport fleets and other person having similar experience from the same private companies, have been selected by the respondents but petitioner's candidature has been arbitrarily rejected.
10. We have heard the learned counsel for parties and have perused the impugned order as well as material on record.



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11. While applying for any job, if a candidate in the application form mentions about experience certificate, it is necessary to furnish the said certificate at the time of document verification. In the present case, the petitioner, at the time of submission of application form, mentioned that he had worked with M/s Giriraj Transport whereas the experience certificate furnished by him was issued by M/s Khatri Logistic which is a different agency altogether. It seems that the petitioner did not secure either of the establishments mentioned above, thus lacks experience.

12. In view of above, we find no illegality or perversity in the impugned order dated 06.07.2021 passed by learned Tribunal.

13. Even otherwise, the impugned order pertains to the year 2021 and the present petition has been preferred by petitioner after an inordinate delay of more than three years.

14. Accordingly, the present petition is dismissed on merits as well as for delay & laches. Pending application, if any, stand disposed of as infructuous.

(SURESH KUMAR KAIT)
JUDGE

(GIRISH KATHPALIA)
JUDGE

AUGUST 27, 2024
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