



2025:DHC:11659-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI*Date of decision:-19th December, 2025.*

+ LPA 773/2025, CM APPL. 80360/2025, CM APPL. 80361/2025CM
APPL. 80362/2025

RAM BHAJAN YADAV**.....Appellant**

Through: Mr. Jitendra Anand and Mr. Vaibhav,
Advocates.

versus**DELHI TRANSCO LTD & ANR.****.....Respondents**

Through: Mrs. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar
Singh, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates.

CORAM:**HON'BLE MR. JUSTICE DINESH MEHTA****HON'BLE MR. JUSTICE VIMAL KUMAR YADAV****J U D G M E N T****DINESH MEHTA, J.** *(Oral)*

1. By way of present Letters Patent Appeal, the appellant has challenged the order dated 15.09.2025 passed by learned Single Judge, whereby the appellant's writ petition has been dismissed and order issued by the respondents dated 20.02.2025, cancelling the provisional offer of appointment of the appellant, has been affirmed.

2. Learned counsel for the appellant argued that respondent No.1-Delhi Transco Ltd. has rejected appellant's candidature, that too, after he was found meritorious and successful and was allowed to join. He argued that



solely on the ground that the experience certificate issued by his previous employer-M/s Modern Construction Company (*hereinafter referred to as 'MCC'*) was not genuine and alleging that the appellant had not worked with them, the respondents have wrongly and arbitrarily cancelled the appointment order.

3. Inviting Court's attention towards the subsequent certificate which the said MCC had issued to the respondent on 09.06.2025, learned counsel for the appellant argued that the order dated 20.02.2025 issued by respondent No.1 is liable to be set aside being contrary to principles of natural justice. He contended that had the respondent- No.1 issued a notice to the appellant, he would have persuaded the MCC to issue a fresh certificate pointing out that he had worked with them. He submitted that after the impugned order, the said MCC has issued a clarificatory letter dated 09.06.2025 (Annexure P-17), which leaves no room for ambiguity that he had actually worked with the MCC and the earlier letter sent by the MCC was issued under some misconception.

4. Learned counsel further submitted that learned Single Judge having not considered the basic issue in the matter, has rejected the writ petition filed by the appellant-petitioner and therefore the impugned order dated 15.09.2025 deserves to be set aside.

5. Learned counsel for the respondents, on the other hand, submitted that since the appellant was under probation, no notice for such cancellation was required to be issued. She was, however, not in a position to apprise the Court as to whether they have verified the subsequent certificate dated 09.06.2025 issued by the MCC for the purpose of assessing or ascertaining the appellant's eligibility.



6. Having heard learned counsel for the parties, we find that there is nothing on record to suggest that the appellant had ever joined and that he was on probation, but even if it is assumed that he was on probation, it is to be seen that since the appellant's engagement had not been dispensed with on the ground of his conduct or suitability for the position, and it was rather on the ground of being ineligible, it was incumbent upon the respondents to have at least issued a notice eliciting his response. Respondents having failed to do so have committed breach of principles of natural justice, which are fundamental to rule of law.

7. The appeal is, therefore, allowed. Impugned order dated 15.09.2025 passed by learned Single Judge and the order dated 20.02.2025 issued by respondent- No.1 are therefore set aside.

8. It shall be required of respondents to consider appellant's representation dated 18.06.2025 in accordance with law. The respondents shall consider the certificate issued by the said MCC dated 09.06.2025, which has been enclosed with the representation and assess appellant's eligibility on the basis of the experience certificate, of course, if the certificate is in accordance with law.

9. The same shall be done only in case any post is lying vacant. If the certificate is in order, they shall issue a fresh order of appointment.

10. We make it clear that the appellant's appointment shall be from the day of fresh appointment pursuant to the instant order. At the cost of repetition, it is ordered that since a period of more than 10 months has since passed, the appellant's candidature shall be considered only in case any post is lying vacant.

11. Needless to say that we have not observed anything on merit or



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otherwise with respect to the appellant's eligibility.

12. The instant appeal with all pending applications stands disposed of accordingly.

**DINESH MEHTA
(JUDGE)**

**VIMAL KUMAR YADAV
(JUDGE)**

DECEMBER 19, 2025/MR