



213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 10.02.2026

1. LPA-71-2020(O&M)

State of Haryana and others ...Appellants

Vs.

Jaivir Singh ...Respondent

2. LPA-77-2020(O&M)

State of Haryana and others ...Appellants

Vs.

Rakesh Kumar ...Respondent

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Nitin Kaushal, Addl. A.G., Haryana.

Mr. R.K. Malik, Sr. Advocate with
Mr. Anshul Labana, Advocate
for the respondent.

ASHWANI KUMAR MISHRA, J. (Oral)

1. Since the controversy involved in these appeals is identical, they are being dealt with together by this common judgment.

2. These two appeals filed by the State assailing the judgment of the learned Single Judge, whereby the orders passed by the appellant came to be set aside.

3. The respondents-petitioners were appointed as Drivers in the Haryana Roadways pursuant to recruitment exercise initiated in the year 2007.



Both the respondents were appointed and continued to work as such. It was almost after 11 years of their satisfactory work as Drivers that the appointment of the respondents-petitioners came to be terminated on the ground that they had utilized forged experience certificates of driving.

4. The advertisement contained a clause as per which a candidate applying for an appointment to the post of Driver was required to have at least two years experience of driving a Transport Vehicle, including a Passenger Vehicle. The eligibility was to be determined with reference to the last date fixed for receipt of applications. Learned Single Judge has taken a note of the definition of 'transport vehicle' under Section 2(47) of the Motor Vehicles Act, 1988, which defines 'transport vehicle', as also the provisions of Section 2(17) of the Motor Vehicles Act, 1988, which defines 'heavy passenger motor vehicle' to hold as under:-

"Definition of sub-Section 47 of Section 2 of the 1988 Act provides as under:-

“(47) "transport vehicle" means a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle”.

There is no definition of any passenger vehicle. However, in sub-Section 17 of Section 2 of the 1988 Act, heavy passenger motor vehicle is defined to include public service vehicle, educational institution bus, private service vehicle etc. For the sake of brevity, provisions of Section 2(17) read as under:-

“(17) "heavy passenger motor vehicle" means any public service vehicle or private service vehicle or educational institution bus or omnibus the gross



vehicle weight of any of which, or a motor car the unladen weight of which, exceeds 12,000 kilograms”

On conjoint reading of aforementioned definitions, it is axiomatic that both licenses should be valid for driving the educational institution bus, a private service vehicle or a private bus, but expression "heavy transport vehicle" and "heavy passenger motor vehicle" is conspicuously absent, in such circumstances, termination of services of petitioners is totally uncalled for, illegal, much less, arbitrary.

It is also a matter of record that action has been taken after almost 11 years of service and during all this period, there was no adverse remark in the service record and as per averments in the writ petition as well as in written statement, the petitioners have been discharging their duties impeccably."

5. Though the appeals were entertained, but no interim order has been passed. The respondents-petitioners, therefore, have continued to function as Drivers on the strength of the judgment of the learned Single Judge. The total length of service rendered by the respondents-petitioners by now is less than 20 years.

6. Though various submissions have been advanced contending that the experience certificate was not admissible, we are not persuaded to interfere in the matter, as it remains undisputed that the respondents-petitioners have been satisfactorily working as Drivers for the last nearly 18-20 years.

7. At this late stage, and considering the long length of service rendered by the respondents-petitioners, we decline to exercise our appellate



jurisdiction under Clause 10 of the Letters Patent. Since we have refused to interfere in the matter in the peculiar facts and circumstances of the case, the question of law with regard to the requisite experience for appointment of the respondents-petitioners as Drivers is left open.

- 8. The Letters Patent Appeals are *dismissed* accordingly.
- 9. Pending application(s), if any, stand(s) disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

10.02.2026

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No