

Vijesh Kumar Vs. Chief Secretary, Govt. of Nct of Delhi and Ors

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Court : Delhi

Decided On : May-01-2015

Judge : Kailash Gambhir

Appellant : Vijesh Kumar

Respondent : Chief Secretary, Govt. of Nct of Delhi and Ors

Judgement :

\$~26, 27, 29, 30, 31 * IN THE HIGH COURT OF DELHI AT NEW DELHI Date of hearing and order:

01. 05.2015 + W.P.(C) 4320/2015 VIJESH KUMAR Petitioner Through Mr. Arun Bhardwaj, Adv. versus CHIEF SECRETARY, GOVT. OF NCT OF DELHI & ORS Respondents Through Ms. Anjana Gosain, Mr. Arjun Pant, Mr. Sanjeev Sabharwal & Ms. Sonia Arora, Adv. + W.P.(C) 4321/2015 MANOJ KUMAR Petitioner Through Mr. Arun Bhardwaj, Adv. versus + CHIEF SECRETARY, GOVT. OF NCT OF DELHI & ORS Respondents Through Ms. Anjana Gosain, Mr. Arjun Pant, Mr. Sanjeev Sabharwal & Ms. Sonia Arora, Adv. W.P.(C) 4336/2015 NAVEEN KUMAR Petitioner Through Mr. Arun Bhardwaj, Adv. versus CHIEF SECRETARY, GOVT. OF NCT OF DELHI & ORS Respondents Through Ms. Anjana Gosain, Mr. Arjun Pant, Mr. Sanjeev Sabharwal & Ms. Sonia Arora, Adv. + W.P.(C) 4337/2015 ASHOK KUMAR Petitioner Through Mr. Arun Bhardwaj, Adv. versus CHIEF SECRETARY, GOVT. OF NCT OF DELHI & ORS Respondents Through Ms. Anjana Gosain, Mr. Arjun Pant, Mr. Sanjeev

Sabharwal & Ms. Sonia Arora, Adv. + W.P.(C) 4348/2015 DINESH KUMAR
Petitioner Through Mr. Arun Bhardwaj, Adv. versus CHIEF SECRETARY, GOVT.
OF NCT OF DELHI & ORS Respondents Through Ms. Anjana Gosain, Mr.
Arjun Pant, Mr. Sanjeev Sabharwal & Ms. Sonia Arora, Adv. CORAM: HON'BLE
MR. JUSTICE KAILASH GAMBHIR HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% KAILASH GAMBHIR, J.

(ORAL) CM No.7833/2015 in WP(C) CM No.7834/2015 in WP(C) CM No.7853/2015 in WP(C) CM No.7854/2015 in WP(C) CM No.7870/2015 in WP(C) No.4320/2015 No.4321/2015 No.4336/2015 No.4337/2015 No.4348/2015 Exemption granted subject to all just exceptions. Applications stand disposed of. WP(C) WP(C) WP(C) WP(C) WP(C) 1. No.4320/2015 No.4321/2015 No.4336/2015 No.4337/2015 No.4348/2015 By a common order dated 07.07.2014, the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the learned Tribunal) has dismissed a batch of Original Applications (in short OA) preferred by the applicants who were selected to be appointed to the post of Fire Operators in Delhi Fire Service (in short DFS) but their services were terminated under Sub- rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 (in short CCS Rules) after their driving licences were found to be forged on verification from the Licensing Authority.

2. By this order, we propose to dispose of the present batch of Writ Petitions preferred by the petitioners who were the applicants before the learned Tribunal and are aggrieved by the common order dated 07.07.2014 passed by the learned Tribunal. The said common order was also challenged by some other petitioners before this Court and by order dated 21.04.2015 passed by this Court in W.P.(C) No.6358/2014 with other connected Writ Petitions and order dated 30.04.2015 in W.P.(C) 3633/2015 with other connected Writ Petitions. The Writ Petitions were dismissed as withdrawn with the liberty to challenge the order dated 15.11.2010 passed by the Regional Transport Authority, Agra.

3. Mr. Arun Bhardwaj, the learned counsel for the petitioners, on instructions, does not wish to follow the trodden path of seeking withdrawal of the present Writ

Petitions with the same liberty as was granted to the other petitioners. The learned counsel emphatically submits that the petitioners have a very good case on its merits.

4. Addressing arguments, the learned counsel submits that the petitioners were not in possession of fake licenses as in fact the official who had issued the receipt had issued a receipt of Rs.600/- collectively for ten persons instead of taking an individual license fee at the rate of Rs.60/- . Another contention raised by the learned counsel for the petitioner is that the license could be termed as fake only when the authority says that they had not issued the license. The learned counsel further contends that the two grounds which have been given by the licensing authority to term the said licenses as fake are that the address of the petitioners was incomplete and that individual receipts were not given, which at best could have been termed as a violation of the procedure envisaged in 9(2) of the Motor Vehicle Act, 1988 and in any case the same could not have been termed as fake. The learned counsel further submits that the Transport Authority was not a party before the Ld. Tribunal and therefore also no credence could be given to the stand taken by the respondents.

5. We have heard the learned counsel for the petitioners.

6. These petitioners were seeking appointment to the post of Fire Operators in the DFS. To seek appointment to the said post, it was prerequisite for these petitioners to have a HMTV driving licence. As per these petitioners, they had obtained their driving licences from the Regional Transport Officer, Agra and when verification of these licenses was carried out by the Office of the Regional Transport Officer, Agra, vide order letter dated 15.11.2010 they reported that all the 81 driving licences which were issued in favour of all these candidates seeking appointment to the post of Fire Operator were fake and forged. Prior to this, there were some contradictory reports given by the Office of Transport Authority, Agra but finally after deeper and closure examination, the Office of the Regional Transport Officer, Agra found all these driving licences to be forged. The Transport Authority could also unearth the main man behind this fraud who being one of their employee, namely Sita Ram Verma. A FIR was registered against him and he was

arrested and also placed under suspension. Before terminating the temporary services of all these petitioners, a Show Cause Notice was served upon them and it is an admitted case between the parties that these petitioners never raised any challenge to the said decision taken by the Transport Authority of terming their licences as forged. It was already stated above that it was pre-requisite for these petitioners to be in possession of HMV driving licences and there could be no compromise on this condition, as these petitioners after their appointment were to operate the Fire Brigade vehicles and any compromise in this regard could prove disastrous. It was imperative for these petitioners to possess proper driving licenses. Theirs is a very sensitive job and it is pertinent that only the ablest of drivers make their way into the services of the DFS and get appointed as Fire Operators. It was for the petitioners to have taken steps to challenge the decision of the Transport Authority, Agra before the Competent Court of law and having taken no steps in this regard even after they were made aware of the said decision, by itself speaks volumes of the conduct of these petitioners. We cannot be oblivious of the fact that the Agra Transport Authority, Agra has already identified the main man behind this whole murky affair, i.e. one Sita Ram Verma against whom a criminal case was registered and he was arrested and placed under suspension.

7. To a query raised by the Court to the learned counsel for the respondents as to whether criminal cases have also been registered against all the holders of the said forged licences, the learned counsel apprises the Court that criminal cases have been registered against all these drivers.

8. Mr. Arun Bhardwaj disputes this fact. However, if this is not correct, and no criminal cases have been registered against these drivers, then we direct the Police Station to investigate the role of the holders of these licenses and after investigation proceed in accordance with law.

9. There is no merit in the present Writ Petitions and the same are hereby dismissed. KAILASH GAMBHIR, J I.S.MEHTA, J MAY01 2015/aj/v