

Central Administrative Tribunal
Principal Bench, New Delhi

OA No.804/2019

New Delhi, this the 05th day of March, 2020

Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)
Hon'ble Mr. Pradeep Kumar, Member (Administrative)

Sh. Jgminder, Age-39 yrs.,
Ex.Driver, DTC
Termination, Group-C
S/o Sh. Jai Pal,
R/o-VPO-Punjab Khore, Ladrawan Road,
Delhi-110081.

–Applicant

(By Advocate: Mr. Sachin Chauhan)

Versus

1. Delhi Transport Corporation,
Through its Chairman
D.T.C., I.P. Depot,
New Delhi.
2. The Regional Manager(West)
DTC, Peera Garhi Depot
New Delhi
3. The Depot Manager,
Delhi Transport Corporation,
(Govt. of NCT of Delhi)
Peera Garhi, New Delhi-110063. – Respondents

(By Advocate: Mr.Shubham for Mr. Vijay Singh)

ORDER (ORAL)

By Hon'ble Mr. Pradeep Kumar, Member(A):-

Learned counsel for the applicant pleads that the instant OA can be disposed of in terms of the order of the Hon'ble High Court

of Delhi in its W.P.(C) No. 1111/2017 and batch matters, wherein the decision was pronounced on 13.08.2019.

2. The instant case is one wherein the applicant was appointed to the post of Driver in Delhi Transport Corporation (D.T.C.). At the time of such recruitment, a driving test was also required to be got done and candidates were to produce their Driving licence. The Test was done and applicant was appointed. Subsequently, it was found that the driving licence produced by the applicant, was fake. The respondent-DTC on such discovery terminated the services of the applicant. Feeling aggrieved, the applicant has filed the instant OA.

3. The respondents pleaded that there were several such employees whose services were terminated and many of these cases had been adjudicated by the Hon'ble High Court of Delhi, wherein the decision was pronounced on 13.08.2019 in W.P.C No. 1111/2017 and batch matters. Wherein the following directions have been passed:-

"23. Resultantly, following the decision of the Supreme Court in Surender Singh (supra), we dispose of these petitions by permitting the petitioner to issue detailed show cause notices to each of the respondents and other similarly situated. The show cause notices shall be accompanied with the relevant documents in respect of each of the respondents on which the DTC seeks to rely, and should set out the specific charge(s) framed against each of them respectively. Two weeks time shall be granted to the noticees to respond to the show cause notices from the date of receipt of the respective notice. Depending upon whether, or not, the responses are received, and if so received, the petitioner shall proceed in accordance with principles of natural justice.

24. The noticees shall co-operate in the inquiries and the inquiries shall not be adjourned unnecessarily. From the date(s) on which the show cause notices are issued, the noticees shall be deemed to have been reinstated for the purpose of the enquiry, and they would be entitled to receive Subsistence Allowance on their deemed reinstatement for the purpose of enquiry, till the completion of the inquiry. However, in case, it is found that any of the noticees are not co-operating in the inquiry proceedings, or delaying the same unnecessarily - for reasons to be recorded, it shall be open to the petitioner to stop payment of Subsistence Allowance. In case, the respondents/ noticees are aggrieved by any order that may be passed by the Disciplinary Authority on the basis of the enquiry so conducted, it shall be open to them to avail of their rights and remedies.

25. It shall be open to the Competent Authority to decide on the aspect of back wages, etc. depending on the outcome of the disciplinary proceedings.

26. The amount deposited by the petitioner in this Court shall continue to remain in fixed deposit, and the disbursal of the same shall abide by the orders that may be passed depending on the outcome of the Disciplinary Proceedings.

27. The petitions stand disposed of in the aforesaid terms.

28. It shall be open to the petitioner to produce this order before the Learned CAT for adoption of the same directions in the Original Applications pending before it."

4. It was pleaded by the learned counsel for the applicant that instant OA can also be disposed in terms of above orders.

5. There is no opposition by the respondents to the facts as submitted by the learned counsel for the applicant.

6. In view of the above, this instant OA is also disposed of in terms of the decision dated 13.08.2019 of the Hon'ble High Court of Delhi for further necessary action (para 3 above). No costs.

(Pradeep Kumar)
Member(A)

(Justice Vijay Lakshmi)
Member (J)

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