

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.4256/2017



New Delhi, this the 6th Day of January, 2020

**Hon'ble Mrs. Justice Vijay Lakshmi Member(J)
Hon'ble Mr. Pradeep Kumar, Member (A)**

Kishan choudhary, Aged 43 years
S/o Sh. Dalel Singh
Working as Driver in DTc
R/o WZ-161, Village Dasghara
PO Pusa, New Delhi-12.

....Applicant

(By Advocate: Shri Yogesh Sharma)

Vs.

1. Delhi Transport Corporation
Through the Chairman
DTC Head Quarters, I.P. Estate
New Delhi.
2. The Depot Manager
Delhi Transport Corporation
Shadipur Depot
New Delhi.

...Respondents

(By Advocate: Sh. Vidur Dwivedi for Ms. Aarti Mahajan
Shedha)

Order (Oral)

Hon'ble Mr. Pradeep Kumar, M(A)

Shri Vidur Dwivedi appearing as proxy to Ms. Aarti Mahajan Shedha, counsel for the respondents mentions that this OA is filed by a Driver of DTC whose services

were terminated as the driving license produced at the time of driving test for recruitment was subsequently found to be fake.

2. The respondents further mentions that this very issue has been gone into by Hon'ble Delhi High Court in Writ Petition(C) No.1111/2017 and batch wherein the following orders have been passed on 13.08.2019:-

"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 notices 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. xxxx xxxx xxxx

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.”

3. The respondents pleaded that the instant OA can be disposed of in terms of above order by the Hon’ble High Court.

4. Matter has been heard. In view of the foregoing, judgment by Hon’ble High Court of Delhi, the present OA is disposed of with direction to Respondents to take

action as directed by the Hon'ble High Court of Delhi
(para 2 supra). No costs.

(Pradeep Kumar)
Member(A)

(Justice Vijay Lakshmi)
Member(J)

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