



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA No. 739/2017

New Delhi, this the 11th day of February, 2020

**HON'BLE MRS. JUSTICE VIJAY LAKSHMI, MEMBER (J)
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

Sh. Dinesh Yadav (Age-33 Years) (Group-C)

S/o Sh. Mahant Yadav

Driver B.No.25867, T.No.67870,

R/o H.No.C-94, Partap Vihar Part-III,

Kirari, Nangloi, Delhi-110086.

...Applicant

(By Advocate: Ms. Drishti Malhotra for Sh. F.K.Jha)

Versus

1. The Chairman-cum-Managing Director,
DTC Headquarter,
I.P. Estate, New Delhi-110002.
2. Regional Manager-cum-Appellate Authority
Through CMD-DTC
DTC Head Quarter, I.P. Estate, New Delhi.
3. The Depot Manager,
Delhi Transport Corporation,
Naraina Depot, New Delhi.

...Respondents

(By Advocate : Ms Aarti Mahajan Shedha)

ORDER (O R A L)

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J):

1.0. Ms. Drishti Malhotra appeared as proxy counsel for Sh. F.K. Jha, learned counsel for the applicant and Ms. Aarti Mahajan Shedha, learned counsel appeared for the respondents.

2.0. It was pleaded that the applicant herein was appointed as a driver in the respondents DTC. At the time of such recruitment, a driving test was also to be conducted as part of recruitment exam for which the candidates were required to produce their driving licence. Being successful in this test, applicant was finally selected and appointed as driver.

3.0. Subsequently, it came to light that the driving licence produced at the time of said driving test by the applicant was fake. Thereafter, the DTC took action and terminated the services of the applicant. The applicant felt aggrieved and preferred the instant OA against this termination.

4.0. Respondents drew attention to a judgment delivered by the Hon'ble High Court of Delhi in WP (C) No. 1111 of 2017 and Batch decided on 13.08.2019. This writ was filed by DTC challenging the decision of the Tribunal in the case of certain similarly placed other drivers where OA was allowed. The directions in the said judgment by Hon'ble High Court are reproduced below:-



“22. Thus, we are not inclined to direct that the inquiries to be held against the respondents, and other similarly situated, should be strictly in terms of the procedure prescribed in Rule 15(C) looking to the peculiar features of these cases. Since the respondents claim that they had produced genuine driving licenses, really speaking, it is for them to establish the said position.

23. Resultantly, following the decision of the Supreme Court in Surrender 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.

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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.”

5.0. Matter has been considered. The OA is disposed off for necessary action in terms of Hon'ble High Court directions as per para 4 supra. No costs.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

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