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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1514/2001

New Delhi, this the 21st day of August, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Shri Latoor Singh
S/o Shri Harender Singh,
R/o Vill. Estmad Sarai
P.O. Chandpura, Ashifabad
Distt. Bulandshaher (UP)

...Applicant

(By Advocate Shri D.S.Chaudhary)

V E R S U S

1. The Commissioner of Police
Police Headquarters,
M.S.O.Building, I.P.Estate,
New Delhi - 110 002.
2. The Deputy Commissioner of Police
Headquarters (Estt.)
Police Headquarters
M.S.O.Building, I.P.Estate
New Delhi - 110 002.

...Respondents

(By Advocate Shri Ajesh Luthra)

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

In this application, the applicant has impugned the order passed by respondent-2 dated 24-5-2001 by which his candidature for recruitment to the post of Constable (Driver) in Delhi Police was cancelled. The reason given in this letter for cancellation of applicant's candidature was that there was no weight in his plea that he possessed a driving licence issued by the Licensing Authority, Motor Transport Department, R.T.O.'s office Agra (UP), as they have received the reports confirming that ~~as~~ the driving licence No. 8751/Agra/92 has not been issued from that authority to him. They have further indicated in the impugned letter that the RTO

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office, Agra has intimated them that driving licence No. 8751/Agra/92 has been issued to one Shri Vijay Singh, S/o Shri Chob Singh for LMV (PE).

2. We have heard Shri D.S.Chaudhary, learned counsel for the applicant and Shri Ajesh Luthra, learned counsel for the respondents.

3. Learned counsel for the respondents has also produced the relevant Departmental records relating to the recruitment of the applicant as Constable (Driver) in Delhi Police, which we have also seen. The relevant papers have ^{also} ~~been~~ been shown to Shri D.S.Chaudhary, learned counsel.

4. Learned counsel for the applicant has placed much reliance on the letters stated to have been received by the applicant from the RTO Agra dated 1-1-2001 and 6-2-2001 (Annexures A-4 & A-7), respectively. On the other hand, Shri Ajesh Luthra, learned counsel for the respondents, places reliance on two other communications received from the RTO, Agra dated 31-10-2000 and 6-12-2000 (Annexures V & VIII, respectively of the counter affidavit). The applicant's explanation as to how he has received the communications from the RTO, Agra as per the above letters is that on receipt of the show cause notice from the respondents dated 15-1-2001, he had approached the RTO, Agra regarding the driving licence certificate he possesses which, according to him, has been issued by that authority at Agra (UP). Shri Ajesh Luthra, learned counsel for the respondents submits that as a matter of routine, after the initial

recruitment of ~~the~~ applicant along with others, to the post of Constables (Driver), in order to verify the documents produced by the candidates, they had written to the Licensing Authority at Motor Transport Deptt. RTO Office, Agra by their letter dated 7-8-2000 regarding three candidates, including the applicant. In reply to this letter, reference 28463 dated 7-8-2000, they had received the aforesaid reply from RTO, Agra dated 31-10-2000. In the meantime, they have also sent reminder to the Agra office to which the later letter dated 6-12-2000 with reference to their communication No. 35393 dated 20-10-2000 was received. In both these letters we note that the RTO Agra has stated, *inter alia*, that licence No. 8751/Agra/92 has not been issued in the name of the applicant but in the name of one Shri Vijay Singh. Incidentally, we note that licence of one of the candidates for whom the verification had been sought by the respondents from RTO, Agra has been confirmed as correct, namely, Shri Rajinder Singh.

5. It is relevant to note that from the averments made by the applicant in paragraph 4.5 of the OA that he came to know that the respondents have sought verification of his driving licence from the office of the RTO, Agra, who informed respondent-2 vide letter dated 1-1-2001 that driving licence No. 8751/Agra./92 dated 17-12-1992 was issued to the applicant. He has further stated that the said letter was despatched to the respondents by that office vide 'despatch No.64 dated 11-1-2001, copy of which has been annexed as Annexure A-4. The original of this letter has been ^{placed by} produced in the official records/file

by Shri Ajesh Luthra, learned counsel, which does not have any such despatch No. mentioned in it. Learned counsel for the respondents has also correctly pointed out that the envelope with postal stamps in which the letter dated 1-1-2001 has been sent to them are ordinary postal stamps. On the other hand, we note from the same Departmental records that the official communication from RTO, Agra to the respondents dated 31-10-2000 and 6-12-2000 have been sent to them using service stamps. Further, on these letters the seal of that office is also clearly visible in the original record, which seal is conspicuously absent in the letter relied upon by the applicant said to have been despatched from RTO, Agra dated 1-1-2001. Apart from that, it is also relevant to note that the respondents have issued a show cause notice to the applicant on 15-1-2001, whereas the letter relied upon by the applicant from the office of the RTO, Agra is dated 1-1-2001. According to the applicant's own version, he had come to know that the respondents have sought verification of his driving licence from RTO, Agra, who had already informed respondent No.2 much earlier vide their letter dated 1-1-2001. The submission made by Shri D.S.Chaudhary, learned counsel, is that the applicant came to know about the verification sought by respondent No.2 from RTO, Agra subsequently on 6-2-2001 which is, therefore, contrary to the written averments in the OA. This also shows that the applicant has not approached this Tribunal with clean hands. According to averments in paragraph 4.5 of the OA, the Agra office had already taken steps vide their letter dated 1-1-2001 to inform respondent No.2 that the driving

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licence No. 8751/Agra/92 dated 17-12-1992 has been issued to the applicant. It is also relevant to note that in the letter dated 1-1-2001, it is stated to be with reference to the communication from the respondents. However, as again correctly pointed out by Shri Ajesh Luthra, learned counsel, no reference No. of the respondents has been referred to in this communication unlike the letters dated 31-10-2000 and 6-12-2000, copies of which have been annexed to the reply.

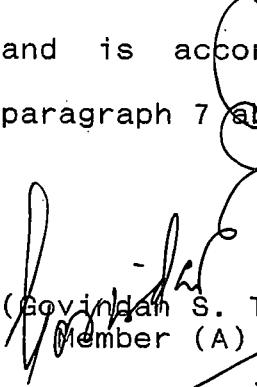
6. Shri D.S.Chaudhary, learned counsel, has submitted that in the facts and circumstances of the case, an Officer from the Department should be directed to go to RTO, Agra and have the whole matter verified as that office has to verify the aforesaid communications. He also submits that we should also summon the records from RTO, Agra for our verification. Having regard to the facts and circumstances of the case, neither of these submissions appear justified and we are also unable to agree with this contention. We say so because the letter relied upon by the applicant dated 1-1-2001, as already mentioned above, has discrepancies which are readily discernible from the copy of the original letter in the Departmental File. Secondly, if as admitted by the applicant the show cause notice has been issued by the respondents only on 15-1-2001 to explain the driving licence in question, we are unable to appreciate why the RTO, Agra office has issued the letter dated 1-1-2001 addressed to the Recruitment Officer of Delhi Police suo moto. Although there is a reference that it has been done as desired by them, no reference Nos. from the respondents have been given

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in the letter dated 1-1-2001 as also in the letter dated 6-2-2001 from RTO, Agra office. On the other hand, that office appears to be doing so systematically in their official communications to the respondents dated 31-10-2000 and 6-12-2000.

7. Taking into account the totality of the facts and circumstances of the case, therefore, we find that the stand taken by the respondents in their reply is neither arbitrary nor unreasonable which justifies any interference in the matter. It is also quite evident from the averments made by the applicant in the OA as well as the annexures that there has been a serious attempt on his part to mislead the Court and misuse the process of law. In the facts and circumstances of the case we would normally have imposed exemplary costs on the applicant but considering the fact that he is unemployed, we issue a warning to him not to indulge in such practices in future and impose a token cost of Rs. 250/- (Rupees two hundred and fifty) Shri Ajesh Luthra, learned counsel submits that this amount may be directed to be paid to CAT Bar Association Library Fund and we do so accordingly.

8. In the result for the reasons given above, we find no merit in this application. The OA fails and is accordingly dismissed. Cost as mentioned in paragraph 7 above.


(Govindan S. Tampli)
Member (A)

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(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)