CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...

OA 1764/98
with
OA 1624/98
OA 1484/99
OA 69/99
OA 305/99
OA 337/99

New Delhi this the 19th day of August, 1999

HON'BLE MR. S.R.ADIGE, VICE CHAIRMAN(A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

OA 1764/98

Jagjit Singh
S/o Shri Mahender Singh
R/o Gali No.10, H.No.4, Bengali Colony, Sant Nagar,
Burari,
Delhi. ..Applicant

By Advocate Shri Shanker Raju.

Versus

1. Union of India through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. Dy. Commissioner of Police,
Provincing & Lines,
5, Rajpur Raod,
Delhi. ....Respondents

By Advocate Shri S.K. Gupta proxy for Shri B.S. Gupta.

OA 1624/98

Dharmender Yadav
S/o Shri Jai Lal Yadav
R/o Village Kapashera,
New Delhi. ...Applicant

(By Advocate: Shri S.K. Dass)

Versus

1. Union of India through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. Dy. Commissioner of Police,
Provincing & Lines,
5, Rajpur Raod,
Delhi. ....Respondents

By Advocate Shri Amresh Mathur.

OA 1484/99

Shri Mukesh Kumar
S/o Shri Duli Chand
R/o H.No. 287, Village & P.O. Surheda,
New Delhi-43. ....,Applicant

By Advocate Shri Ajesh Luthra.

Versus

1. Union of India through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. The Commissioner of Police,
Police Headquarters,
M.S.O. Building,
I.P. Estate, New Delhi.

3. Dy. Commissioner of Police,
Provincing & Lines,
Delhi Police,
Delhi. ....Respondents

By Advocate: None.

OA 69/99

Shri Ravinder Singh
S/o Shri Devi Ram
R/o Village & P.O. Tigaon
District Faridabad,
Haryana. .....,Applicant

By Advocate Shri Ajesh Luthra.

Versus

1. Union of India through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. The Commissioner of Police,
Police Headquarters,
M.S.O. Building,
I.P. Estate, New Delhi.

3. The Additional Commissioner of Police (ADMN.)
Police Headquarters,
M.S.O. Building, I.P. Estate,
New Delhi.

4. Dy. Commissioner of Police.
Provincing & Lines,
Delhi Police,
Delhi. ....Respondents

By Advocate Manish, proxy for Shri Vijay Pandita.

(8)

OA 305/99

Shri Naresh Rana
S/o Shri Rattan Singh
R/o Quarter No. D-II SDM Colony,
Karam Pura, Delhi. ....Applicant

By Advocate Shri Shanker Raju.

Versus

1. Union of India through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. The Commissioner of Police,
Police Headquarters,
M.S.O. Building,
I.P. Estate, New Delhi.

3. Dy. Commissioner of Police,
Provincing & Lines,
Pold Police Lines, Rajpura Road,
Delhi. ....Respondents

By Advocate: Shri Arun Bhardwaj.

OA 337/99

Shri Naseeb Singh
S/o Shri Kapoor Singh
R/o Village & P.O. Bilyana
District Rohtak Haryana. .....Applicant

By Advocate Shri Shanker Raju.

Versus

1. Union of India through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. The Commissioner of Police,
Police Headquarters,
M.S.O. Building,
I.P. Estate, New Delhi.

3. Dy. Commissioner of Police,
Provincing & Lines,
5, Raj Pura Road, Old Police Lines,
Delhi. ....Respondents

By Advocate Shri A.K. Singh proxy for Sh. Raj Singh.

O R D E R(ORAL)

By Hon'ble Shri S.R.Adige, Vice-Chairman (A)

1. As all these cases involve common questions of

law and facts, they are being disposed of by this common order. For this purpose, OA 1784/98 - Jagjit Singh Vs. U.O.I. & Others shall be treated as a representative case.

2. Applicant Jagjit Singh impugns respondents' order dated 24.7.98. cancelling his candidature for the post of Constrable (Driver) in Delhi Police, on the ground that, the Heavy Motor Vehicle licence he holds, was issued to him at the age of 15 years which is in contravention of provisions of Section 4(2) of the Motor Vehicles Act, as amended from time to time.

3. Respondents issued an advertisement inviting applications for the post of Constable (Driver). Amongst the terms and conditions contained in the advertisement, the candidates were required to hold a current driving licence for Heavy Motor Vehicle. Applicants submitted their applications pursuant to the aforesaid advertisement, supported by their driving licences, and were selected for the post of Constable (Driver) in the Delhi Police on the basis of their performance, physical test and trade test, subject to their medical fitness, verification of character and antecedents, testimonal of age, date of birth, caste, driving licence etc.

4. Upon verification of driving licences it was noticed that on the date of issue of the same, all of them were below the age of 20 years, and, therefore, respondents have cancelled their candidature,holding that their driving licences were issued in contravention of

Section 4(2) of the Motor Vehicles Act, as amended from time to time.

5. Even if the HMV driving licences were issued to the applicants before their attaining the age of 20 years, respondents do not deny that on the date when the applications were received, pursuant to the advertisement for Constable (Drivers) issued by them, each of the applicants had attained the age of 20 years, and had also had their driving licences renewed, which were valid.

6. In this connection, applicants' counsel have invited our attention to the Punjab & Haryana High Court judgment in National Insurance Company Ltd. Vs. Sucha Singh and Others, (The Punjab Law Reporter Volume C-VI 1994-1). While interpreting the relevant provisions of the Motor Vehicles Act, 1988, in regard to an insurance claim, the Punjab & Haryana High Court in the aforesaid judgment has held that if a licence was renewed though originally it was a fake licence, it gets its validity, and the insurance company would be liable to re-imburse the insured.

7. Applying the ratio of the aforesaid judgment to the facts and circumstances of the present case, we hold that consequent to the HMV driving licences of the applicant being renewed and being valid at the time of submission of the application forms, pursuant to the advertisement issued by the respondents, the candidature of applicants for the post of Constable (Driver) cannot be cancelled only because on the date the licences were

originally issued, they had not attained the age of 20 years.

8 These OAs therefore, succeed and are allowed to this extent that in the event applicants are otherwise eligible and fully qualified for appointment as Constable (Drivers), respondents should not deny them such appointment merely on the ground that on the date when the HMV licences were initially issued, applicants were below the age of 20 years. These directions should be implemented within one month from the date of receipt of a copy of this order.

9 Let a copy of this order be placed in all the OAs files.

(KULDIP SINGH)
MEMBER (J)

(S.R.ADIGE)
VICE CHAIRMAN (A)

/Rakesh/

Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Faridkot House,
Copernicus Marg,
New Delhi-110001