Central Administrative Tribunal
Principal Bench, New Delhi

O.A. No.1772/2020
MA No.2294/2020

This the 11th day of November, 2020

(Through Video Conferencing)

Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)

Shri Balraj
Aged 37 years
S/o Shri Randhir Singh
Designation: Driver
Employee Group –C
R/o V. P. O. Tihar Malik
District Sonipat, Haryana.   ...   Applicant

(through Sh. Vinod Dahiya, Advocate)

Versus

1.   Delhi Transport Corporation
     Through its Manager Personnel
     DTC, I.P. HQRs, New Delhi.

2.   The Regional Manager/Appellate Authority
     DTC
     Hill Park Depot-III
     East Nand Nagri Depot
     New Delhi.   ...   Respondents

(through Sh. Umesh Joshi, Advocate)

ORDER (Oral)

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

The applicant herein belongs to Sonipat, Haryana, and

was appointed as a Driver in Delhi Transport Corporation -

DTC on 10.12.2010 on temporary basis. Subsequently, he completed the probation and was confirmed on 9.7.2015.

2.   It is noted that there was a case WP (C) 6018/2014 filed before Hon'ble High Court of Delhi, alleging that many drivers having fake licenses are employed in DTC. In this Writ, Hon'ble High Court ordered a check on the authenticity of all the driving licences for the drivers working in DTC. The DTC carried out this check. During that check certain doubts got raised about the authenticity of driving licences issued to a large number of drivers.

It appears that the name of instant applicant herein, also came under certain doubt. The applicant was having the Driving License issued by an authority in Nagaland on 20.1.2006 (Valid till 28.3.2019).

3.   Since the said driving licence, which was issued by an authority of Nagaland, was found to be fake, his services were proposed to be terminated. The DTC issued a show cause notice dated 19.03.2016 and in follow up thereof, the services of the applicant were terminated vide orders Dt. 6..4.2016. Aggrieved at this termination, the applicant preferred an OA-346/2017.

4.   Some similarly placed drivers, whose services were also terminated, approached the Tribunal and thereafter Hon'ble

High Court of Delhi by filing Writ Petition 1111/2017 and batch. These cases were decided by a common order dated 13.08.2019. Hon'ble High Court also directed that the said direction be brought to the notice of the Tribunal.

In compliance thereof, the applicant's OA No.346/2017, which was filed after termination of his services following the show cause notice dated 19.03.2016, was also decided in terms of Hon'ble High Court Judgment passed in Writ Petition No.1111/2017. The operative part of the judgment of Hon'ble Delhi High Court dated 13.08.2019, reads as under:-

> "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 notice to each of the respondents and other similarly situated. The 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.
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> 24. The notices 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 notices 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/ notices are aggrieved by an 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."

6.   In compliance, a fresh show cause notice was issued by DTC on 17.06.2020. The applicant submitted his defence and made personal appearance also before relevant authority. Being not satisfied, the services of the applicant have been terminated vide order dated 01.10.2020.

7.   Aggrieved at this termination order, the applicant has now preferred the instant OA and relief has been sought to quash and set aside the termination order dated 01.10.2020

and to reinstate him in service for the purpose of inquiry. No interim relief has been sought.

8.   Matter has been heard at the admission stage.

9.   Since the instant order is passed by the Disciplinary Authority and in case the applicant has a grievance against the said order, the departmental remedy for making an appeal has not been exhausted as yet. In view of this, the present OA is considered as pre-mature.

10.   Accordingly, the OA is dismissed as being pre-mature at this stage. The applicant may approach the departmental authority by filing an appeal, if he is so advised. No costs.

        (R.N. Singh)   **(Pradeep Kumar)**
        Member (J)   **Member (A)**

/sunita/uma/anjali/neetu/