O.A No.380/2018

<u>New Delhi, this the 12th day of February, 2018</u>

Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Ms. Praveen Mahajan, Member (A)

Bijender, Age 34 years,
S/o. Kartar Singh,
R/o. Village & P.O. Dichaon Kalan,
New Delhi.   ...Applicant

(By Advocate : Mr. R. K. Shukla)

        Versus

1. Chief Secretary,
   Govt. of N. C. T. Of Delhi,
   Delhi Secretariat,
   I.P. Estate, New Delhi.

2. Pr. Secretary (Home),
   Govt. of N. C. T. Of Delhi,
   Delhi Secretariat,
   I.P. Estate, New Delhi.

3. Director,
   Delhi Fire Service,
   Fire Headquarter,
   Connaught Circus,
   New Delhi.   ...Respondents

O R D E R (O R A L)

Hon'ble Mrs. Jasmine Ahmed, Member (J) :

        The applicant applied for the post of Driver in Delhi Fire Service (DFS) in response to an advertisement issued by DSSSB in the year 2007. Having been declared successful, he was sent for training, which he completed successfully. He was posted in Fire Station Dwarka, Sector – 6, Rohini, Delhi. The applicant's licence was sent for verification, which was sent back unverified.

The respondents issued a Show Cause Notice proposing to terminate the services of the applicant, which was challenged by the applicant in OA 3413/2011. The Tribunal quashed the termination order of the applicant and directed the respondents to reinstate him in service and to supply all the relied upon documents including the verification report dated 15.11.2010. After reinstatement, a fresh Show Cause Notice was issued to the applicant. The applicant submitted his reply thereto but the respondents again terminated his services. This action of the respondents was challenged by the applicant in OA 849/2013. The said OA was dismissed with liberty to the applicant to challenge the report dated 15.11.2010. The applicant then preferred a Writ Petition No.3044/2015 before the Hon'ble High Court, which was withdrawn on 30.04.2015 awaiting the report of the Assistant Regional Transport Officer, Agra. It is stated by the applicant that the report dated 15.11.2010 contained no clear observation about genuineness of his driving licence and on which ground the same was held to be fake. However, when a thorough investigation was made by the Transport Authority (UP), it became clear that driving licence issued to the applicant in 2003 was valid.

2. The present OA has been filed in terms of the orders passed by the Tribunal and the Hon'ble High Court in terms of which the resultant documents disclosed that the licence issued to the applicant was valid. It is stated that when it has become clear after investigation that driving licence issued to the

applicant in 2003 was valid, the respondents are bound to review their decision of terminating the services of the applicant. The applicant in this regard has filed a detailed representation dated 5.12.2017, which is pending consideration with the respondents. Following reliefs have been prayed for by the applicant:

> "(I)   To direct the respondents to re-examine the case of the applicant according to subsequent development decide the representation of the applicant dated 05.12.2017 and extend the benefit of the report.
>
> (II)   Direct respondents to reinstate the applicant with all consequential benefits since the DL have been verified by the Transport Authority.
>
> (III) Any other relief, which this Tribunal may deem fit and proper in the circumstances of the case, may also be passed in favour of the applicant."

3.   In the light of the fact that the applicant himself has prayed for a direction to the respondents to decide his representation dated 5.12.2017, it would be in the fitness of things that the respondents decide the representation of the applicant within a fixed time frame. Accordingly, we direct the respondents to consider the aforesaid representation of the applicant and pass a reasoned and speaking order thereon within a period of six weeks from the receipt of a certified copy of this order. The OA is disposed of.

(Praveen Mahajan)   (Jasmine Ahmed)
  Member (A)   Member (J)

/Mbt/