

**Central Administrative Tribunal
Principal Bench, New Delhi.**

- | | |
|----------------------|-----------------|
| 1. OA-1569/2016 with | 11.OA-1777/2016 |
| 2. OA-1638/2016 | 12.OA-1780/2016 |
| 3. OA-1654/2016 | 13.OA-1784/2016 |
| 4. OA-1673/2016 | 14.OA-1823/2016 |
| 5. OA-1676/2016 | 15.OA-1830/2016 |
| 6. OA-1678/2016 | 16.OA-1831/2016 |
| 7. OA-1683/2016 | 17.OA-1833/2016 |
| 8. OA-1701/2016 | 18.OA-1839/2016 |
| 9. OA-1702/2016 | 19.OA-2036/2016 |
| 10.OA-1757/2016 | |

New Delhi this the 18th day of January, 2017.

Hon'ble Sh. Shekhar Agarwal, Member (A)

Hon'ble Sh. Raj Vir Sharma, Member (J)

1. OA-1569/2016

Sh. Pardeep Kumar Dahiya, Driver, B.No.23029, KNJD

38 years,

S/o Sh. Dhara Singh Dahiya,

R/o VPO Kheri Manajat,

District Sonapat, Haryana.

.... Applicant

(through Sh. Anil Mittal, Advocate)

Versus

Delhi Transport Corporation,

I.P. Estate,

New Delhi-110002.

(through Chairman-Cum-Managing Director). Respondents

(through Ms. Arati Mahajan, Advocate)

2. OA-1638/2016

Sh. Rajesh Dabas, Driver, B.No. 24606, RHND-IV,

34 years,

S/o Sh. Attar Singh,

R/o Flat No. 247, Pocket-2, Sector-23,

Rohini, Delhi.

..... Applicant

(through Sh. Anil Mittal, Advocate)

Versus

1. Delhi Transport Corporation,
I.P. Estate,
New Delhi-110002.
(through Chairman-Cum-Managing Director) Respondents

(through Ms. Arati Mahajan, Advocate)

3. OA-1654/2016

Sh. Jaswant, Age-32+yrs.,
Driver, DTC
S/o Sh. Shri Bhagwan,
R/o-VPO-Rohat,
Sonapat, HR. Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.

2. The Depot Manager,
Delhi Transport Corporation,
Rajghat Depot-I,
Delhi. Respondents

(through Ms. Arati Mahajan, Advocate)

4. OA-1673/2016

Sh. Rakesh Kumar, Age-38+yrs.,
Driver, mDTC
S/o Sh. Baljeet Singh,
R/o Village-Palra, PO-Barouli,
District-Sonapat, Haryana. Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation

Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.

2. The Depot Manager,
Delhi Transport Corporation,
Rajghat Depot-II,
Delhi.

..... Respondents

(through Ms. Arati Mahajan, Advocate)

5. OA-1676/2016

Sh. Pawan Kumar, Age-31+yrs.,
Driver, DTC
S/o Sh. Suresh Kumar,
R/o-VPO-Hiran Kudna,
New Delhi-110 041.

..... Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.
2. The Depot Manager,
Delhi Transport Corporation,
Rajghat Depot-II,
Delhi.

..... Respondents

(through Ms. Arati Mahajan, Advocate)

6. OA-1678/2016

Sh. Yogesh Kumar, Age-35 yrs.,
Driver, DTC
S/o Sh. Harnarayan Singh,
R/o Village-Chatia Auliya,
PO-Panchi Jattan,
District-Sonepat,
Haryana.

..... Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.
2. The Depot Manager,
Delhi Transport Corporation,
Subhash Place Depot,
Delhi-110 035.

..... Respondents

(through Ms. Arati Mahajan, Advocate)

7. OA-1683/2016

Sh. Pawan Kumar, Age-35 yrs.,
Driver, DTC,
S/o Sh. Sukhbir,
R/o RZF-767/50, Raj Nagar,
Palam Colony,
New Delhi.

..... Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.
2. The Depot Manager,
Delhi Transport Corporation,
Subhash Place Depot,
Delhi-110 035.

..... Respondents

(through Ms. Arati Mahajan, Advocate)

8. OA-1701/2016

Sh. Vinay Dahiya, Driver, B.No. 25664, KNJD
31 years,
S/o Sh. Devender Singh,
R/o VPO Akbar Pur Barota,

District Sonapat, Haryana. Applicant

(through Sh. Anil Mittal, Advocate)
Versus

Delhi Transport Corporation,
I.P. Estate,
New Delhi-110002.
(through Chairman-Cum-Managing Director) Respondents

(through Ms. Arati Mahajan, Advocate)

9. OA-1702/2016

Sh. Anil Kumar, Driver, B.No.24330,HND-I
42 years,
S/o Sh. Jai Narayan,
R/o RZ-111, Gopal Nagar-II,
House No. 184, Surakhpur Road,
Najafgarh, New Delhi-110043. Applicant

(through Sh. Anil Mittal, Advocate)
Versus

Delhi Transport Corporation,
I.P. Estate,
New Delhi-110002.
(through Chairman-Cum-Managing Director) Respondents

(through Ms. Arati Mahajan, Advocate)

10. OA-1757/2016

Raj Kumar (Driver),
42 years,
S/o Sh. Dalley Ram,
Badge No. 25093,
Token No. 67091,
R/o D-67/8, Amar Colony,
East Gokul Pur,
New Delhi-110 094. Applicant

(through Sh. K.K. Patel, Advocate)

Versus

1. Delhi Transport Corporation

Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.

2. The Depot Manager,
Delhi Transport Corporation,
Yamuna Vihar Depot,
Delhi-110 053.

..... Respondents

(through Ms. Arati Mahajan, Advocate)

11. OA-1777/2016

Sh. Ram Bir Singh, Age-40+yrs.,
Driver, DTC,
S/o Sh. Nand Ram,
R/o VPO-Sank Road,
Charkhi Dadri, Haryana.

..... Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.

2. The Depot Manager,
Delhi Transport Corporation,
Gazipur Depot,
Delhi-96.

..... Respondents

(through Ms. Arati Mahajan, Advocate)

12. OA-1780/2016

Sh. Rajpal, 35 years,
Driver, DTC,
S/o Sh. Ramanand,
R/o VPO-Siana, Thana-Kanina,
Tehsil & Distt-Mahindergarh,
Haryana-123027.

..... Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.
 2. The Depot Manager,
Delhi Transport Corporation,
Rajghat Depot-I,
New Delhi.
- Respondents

(through Ms. Arati Mahajan, Advocate)

13.OA-1784/2016

Sh. Mahender Singh, 39 years,
Driver, DTC,
S/o Sh. Balbir Singh,
R/o Village-Mohanpur, PO-Rasulpur,
Thana-Kanina,
District-Mahendergarh,
Haryana-123027.

..... Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.
 2. The Depot Manager,
Delhi Transport Corporation,
Rajghat Depot-I,
New Delhi.
- Respondents

(through Ms. Arati Mahajan, Advocate)

14.OA-1823/2016

Sh. Sandeep Kumar, Age-32+yrs.,
Driver, DTC
S/o Sh. Ram Kishan,
R/o H.No. 432, Pana Dhani Wara,

Balmiki Mandir Wali Gali,
Bawana, Delhi-110 039.

..... Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.

2. The Depot Manager,
Delhi Transport Corporation,
Rohini Depot-3,
Delhi-110 85.

..... Respondents

(through Ms. Arati Mahajan, Advocate)

15. OA-1830/2016

Sh. Manjeet, Age-32+yrs.,
Driver, DTC
S/o Sh. Ran Singh,
R/o Village-Sharia, The-Beri,
District-Jhajjar(HR).

..... Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.

2. The Depot Manager,
Delhi Transport Corporation,
Rohini Depot-3,
Delhi-85.

..... Respondents

(through Ms. Arati Mahajan, Advocate)

16. OA-1831/2016

Sh. Surender Singh, Age-40+yrs.,

Driver, DTC,
S/o Sh. Kirpal Singh,
R/o Village-Fatehpur Narayan,
P.O. Shahjahanpur, Distt-Meerut,
UP.

..... Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.

2. The Depot Manager,
Delhi Transport Corporation,
Rajghat Depot-I,
Delhi.

..... Respondents

(through Ms. Arati Mahajan, Advocate)

17. OA-1833/2016

Sh. Mukesh Kumar, Driver, B.No. 21779, RND-3,
40 years,
S/o Sh. Hawa Singh,
R/o 1139, Pana Paposyan,
Near Sunny Medicose,
Narela, Delhi-110040.

..... Applicant

(through Sh. Anil Mittal, Advocate)

Versus

Delhi Transport Corporation,
IP Estate,
New Delhi-110002.

(through Chairman-Cum-Managing Director)

..... Respondents

(through Ms. Arati Mahajan, Advocate)

18. OA-1839/2016

Sh. Anil Kumar, Age-32+yrs.,
Driver, DTC,

S/o Sh. Ram Kumar,
R/o B-22, Krishna Vihar,
Near Laxmi Narain Mandir,
Delhi-86.

..... Applicant

(through Sh. Sachin Chauhan, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110 002.

2. The Depot Manager,
Delhi Transport Corporation,
Rohini Depot-3,
Delhi-110 085.

..... Respondents

(through Ms. Arati Mahajan, Advocate)

19. OA-2036/2016

Ravinder Singh, 34 years, Group-C
Driver, DTC,
S/o Sh. Ishwar Singh,
R/o VPO-Jhattipur,
District-Panipat, Haryana.

..... Applicant

(through Sh. Pradeep Dahiya, Advocate)

Versus

1. Delhi Transport Corporation
Through its Chairman-cum-Managing Director,
DTC, IP Estate,
New Delhi-110002.

2. The Depot Manager,
Delhi Transport Corporation,
Rajghat Depot-I,
Delhi.

..... Respondents

(through Ms. Arati Mahajan, Advocate)

ORDER (ORAL)**Mr. Shekhar Agarwal, Member (A)**

All these cases are similar, hence they are being disposed of by this common order. For the sake of convenience, facts of OA-1569/2016 are being discussed.

2. The applicant was appointed as a driver with DTC on 03.02.2009 on the basis of driving licence No. 25505/Ag/2001 produced by him. After his appointment, the respondents sought to verify the authenticity of the driving licence. On 06.12.2014 they received a letter from the Transport Authority at Agra informing that the driving licence of the applicant had not been issued by them. Since the validity of the licence on the basis of which the appointment had been granted to the applicant became suspect, the show cause notice was issued to the applicant on 29.03.2016 asking him to show cause why his services be not terminated as he had procured appointment on the basis of a bogus licence.

3. As far as OA-1702/2016 is concerned, the only difference is that the applicant of this O.A. has been terminated.

4. Today, when this case was taken up, learned counsel for the applicant pleaded that the present case is squarely covered by judgment of this Tribunal in **OA-2351/2015** (Hari Om Singh Vs. DTC &

Ors.) with other connected cases dated 26.10.2016. The aforesaid submission is not opposed by Ms. Arati Mahajan, learned counsel for DTC. She further submitted that the aforesaid order of the Tribunal has been challenged before Hon'ble High Court of Delhi.

5. The operative part of the Tribunal's order dated 26.10.2016 in OA-2351/2015 reads as follows:-

"50. In the light of the aforesaid reasons and without commenting further anything on merits, lest it may prejudice the case of either side during the course of regular DEs, the OAs are hereby partly accepted. The impugned SCNs, termination orders and orders of AAs are set aside. The applicants are ordered to be reinstated in service forthwith with 50% of back wages, in view of judgment of Hon'ble Apex Court in Ratnesh Kumar Choudhary's case (supra). However, it is made clear that nothing observed hereinabove, would reflect on merits, in regular DEs as the same has been so recorded for a limited purpose of deciding the pointed limited controversy involved in the OAs. The parties are left to bear their own costs.

51. Needless to mention, the DTC would be at liberty to initiate and conduct regular departmental enquiry against the applicants for their alleged indicated misconduct, in accordance with law, before imposing any punishment on them. At the same time, since the validity & genuineness or otherwise of the driving licences of the applicants are very much in dispute, so the DTC would be at liberty to suspend them in contemplation of the regular Departmental Enquiry, subject to the payment of admissible subsistence allowances. In case it (DTC) chooses not to suspend the applicants, then it (DTC) will not assign them the duties of 31 OA No.No.100/2351/2015 and connected cases Drivers in public interest and safety. They may be deputed on some other job except Drivers, during the pendency of the regular DEs."

6. Accordingly, we dispose of these OAs also in terms of the order of the Tribunal passed in OA-2351/2015. No costs.

7. Let a copy of this order be placed in all the connected files.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/Vinita/