

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

**OA No. 336/2014
with
OA No. 338/2014, OA No. 405/2014, OA No. 410/2014 and
OA No. 907/2014**

New Delhi, this the 16th day of October, 2019.

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

OA No. 336/2014

Shri Virender, Age-27 yrs.,
Roll No. 808883,
S/o Shri Gulab Singh,
R/o VPO-jaji, The-Sonepat,
District-Sonepat (Haryana).

...Applicant in OA No. 336/2014

OA No. 338/2014

Shri Davinder, Age-33 yrs.,
Roll No. 804060,
S/o Shri Prahlad Singh,
R/o A-65, Om Vihar,
Phase-5, Uttam Nagar,
New Delhi.

...Applicant in OA No. 338/2014

OA No. 405/2014

Shri Rajinder Kumar, Age- 33 yrs.,
Roll No. 806386,
S/o Shri Prahlad Singh,
R/o A-65, Om Vihar,
Phase-5, Uttam Nagar,
New Delhi.

...Applicant in OA No. 405/2014

OA No. 410/2014

Shri Surender Singh Dahiya, Age-27 yrs.,
Roll No. 800031,
S/o Shri Suresh Kumar Dahiya,
R/o B-3/98, Second Floor,
B-Block, Pocket-3,
Rohini, Sector-16,
Delhi – 85.

...Applicant in OA No. 410/2014

OA No. 907/2014

Shri Arun, Age – 33 Yrs.,
Roll No. 802653,
S/o Shri Mahavir Pd. Sharma,
R/o VPO-Jhakran,
The-Betra, Distt. Alwar,
State-Rajasthan.

...Applicant in OA No. 907/2014

(Advocate for applicants: Mr. Sachin Chauhan)

Versus

1. Govt. of NCTD through,
The Commissioner of Police (AP),
Police Headquarters, I.P. Estate,
M.S.O. Building, New Delhi.
2. The Dy. Commissioner of Police (AP),
Establishment,
Police Headquarters, I. P. Estate,
M.S.O. Building,
New Delhi.
3. The Dy. Commissioner of Police (AP),
Land and Building through,
The Commissioner of Police,
Police Headquarters, I.P. Estate,
M.S.O. Building, New Delhi.

4. The Transport Officer,
Licensing Authority,
Ranchi,
Jharkhand.

...Respondents (In all OAs)

(Advocates for respondents: Ms. Asiya for Ms. Rashmi Chopra, Mr. Sachin Khapra for Respondent No. 4 in OA No. 405/2014, OA No. 410/2014 and OA No. 907/2014, Mr. Jagdish N. for Mr. Amit Anand in OA No. 405/2014 & OA No. 410/2014, Mr. Jagdish N. for Mr. K. M. Singh in OA No. 907/2014)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman :

In these 05 OAs common questions of facts and law are involved. Hence, these are disposed of through a common order.

2. The Delhi Police initiated steps in the year, 2009, for appointment of Constable (Driver). One of the requirements was that a candidate must hold Heavy Transport Vehicle Driving Licence (HTV D/L). All the applicants enclosed copies of the HTV D/L, said to have been issued by District Transport Officer (DTO), Ranchi (Jharkhand).

3. Respondents undertook verification of the genuinity of the licences produced by the applicants. It is stated that in all the licences, it was mentioned that original licence was issued by the Military Authorities and on the basis of that, the DTO,

Ranchi issued licences to the applicants. The further verification by the respondents revealed that the applicants did not ever work in the military. In light of these developments the respondents issued show cause notices to the applicants, requiring them to explain, as to why, the candidature for the post of Constable (Driver) should not be cancelled. This was followed by orders of cancellation of candidature. These OAs are filed challenging the show cause notices as well as the orders of cancellation of candidature.

4. The applicants contend that all of them were issued HTV D/L from DTO, Ranchi after due verification and the respondents started expressing doubts about their genuinity. It is also stated that none of the correspondence that ensued between the respondents and the DTO, Ranchi was made available to them. They further state that once the Authority competent under the Motor Vehicle ACT issued the D/L to them, there is no basis for the respondents in undertaking further inquiry or to doubt the genuinity of the licences so issued.

5. Respondents filed separate counter affidavits opposing the OAs. According to them the verification of the genuinity of the licence is a mandatory step in the context of appointment of Drivers. It is stated that in the licences relied upon by the

applicants, it was mentioned that the original licence is Military Driving Licence (MDL) and it was neither the case of the applicants that they have ever worked in the Military nor there exists any record to show the same. It is stated that the applicants were given adequate opportunity to explain, as to why, their candidatures shall not be cancelled and once the applicants failed to explain, the impugned orders were passed cancelling their candidature.

6. We heard, Mr. Sachin Chauhan, learned counsel for the applicants and Ms. Asiya for Ms. Rashmi Chopra, Mr. Sachin Khapra for Respondent No. 04 in OA No. 405/2014, OA No. 410/2014 and OA No. 907/2014, Mr. Jagdish N. for Mr. Amit Anand in OA No. 405/2014 & OA No. 410/2014, Mr. Jagdish N. for Mr. K. M. Singh in OA No. 907/2014, learned counsel for the respondents.

7. Apart from the educational qualifications, an important condition stipulated for the post was that the candidate must hold a HTV D/L. It is incidental that all the applicants herein filed licences said to have been said by DTO, Ranchi. A perusal of the licences issued in form – 10 discloses that against the column “Original Driving Licence Number and Date of Initial issue”, it was mentioned as “705/07 PROF as per MDL”. Thereafter, it is said to have been issued from the office of DTO,

Ranchi on 09.03.2007. The entire basis for issuance of that licence is “as per MDL”.

8. The applicants have also filed the licences in another form. There again, it is mentioned against the column of “Original Driving Licence Number and Date of Initial Issue” and it is stated as 705/07/PROF “as per MDL”. The columns pertaining to the name and designation of the officer who has taken the driving test; and the date of passing of driving test by the holder of the licence, are left blank. The result is that the licences are said to have been issued on the basis of MDL, and the applicants did not even mention that they have ever worked in the Military or that they are issued licences by the Military Authorities. It would not be difficult to imagine the road safety, if persons with fake licenses are appointed as drivers.

9. When such is the situation, the question of treating the Driving License as valid does not arise. We do not find any merit in the OA and the same is, accordingly, dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ankit/