

(2020) 03 CAT CK 0018
In the Central Administrative Tribunal
Case No : Original Application No. 33 Of 2017

Ravinder Kumar (Ex-Driver DTC)

APPELLANT

Vs

Chairman-Cum-Managing Director And Others

RESPONDENT

Date of Decision : 04-03-2020

Acts Referred:

Citation : (2020) 03 CAT CK 0018

Hon'ble Judges : Vijay Lakshmi, Member (J); Pradeep Kumar, Member (A)

Bench : Division Bench

Advocate : Sarwesh, Malvi Balyan

Final Decision : Disposed Of

Judgement

Vijay Lakshmi, Member (J)

1. Sh. Sarwesh appeared as proxy to Sh. F.K. Jha, learned counsel for the applicant. Ms. Malvi Balyan appeared as proxy to Ms. Aarti Mahajan, learned counsel for the respondents.

2. It was pleaded by the learned proxy counsel appearing for the applicant that in the instant case the service of the applicant, who was working as a Driver under respondents DTC, was terminated as the driving license produced at the time of driving test held at recruitment stage, was found to be fake subsequently.

3. Learned proxy counsel appearing for the applicant drew attention to a judgment delivered by the Hon'ble High Court of Delhi in W.P. (C) No. 1111 of 2017 and Batch decided on 13.08.2019. This writ was filed by DTC challenging the decision of the Tribunal in the case of certain similarly placed other drivers where OA was allowed. The directions in the said judgment by Hon'ble High Court are reproduced below:-

"22. Thus, we are not inclined to direct that the inquiries to be held against the respondents, and other similarly situated, should be strictly in terms of the procedure prescribed in Rule 15(C) looking to the peculiar features of these

cases. Since the respondents claim that they had produced genuine driving licenses, really speaking, it is for them to establish the said position.

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 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.

24. The noticees 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 noticees 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/ noticees are aggrieved by any 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.

xxx xxx xxx

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."

4. Learned proxy counsel appearing for the applicant pleaded that the present OA can be disposed off in terms of the above order passed by the Hon'ble High Court of Delhi. There is no opposition by respondents.

5. Matter has been considered. The OA is disposed off for necessary action in terms of Hon'ble High Court directions as per para 3 supra. No order as to costs.