

(2003) 02 P&H CK 0211
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 17256 of 2000

Sukhwinder Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 14-02-2003

Acts Referred:

Citation : (2003) 3 LLJ 894 : (2003) 133 PLR 698 : (2003) 2 RCR(Civil) 101

Hon'ble Judges : S.S. Nijjar, J; Hemant Gupta, J

Bench : Division Bench

Advocate : Hemender Goswami, for the Appellant; Ashok Aggarwal, Addl. A.G., for the Respondent

Final Decision : Dismissed

Judgement

S.S. Nijjar, J.—We have heard the learned counsel for the parties at length and perused the record of the case.

2. The petitioner was employed as a driver on the basis of the driving licence Annexure P-1. After appointment, on an enquiry having been made from the licensing authority, the respondents have discovered that the original licence produced by the petitioner, is fake. Consequently, the petitioner's services have been terminated,

3. Learned counsel for the petitioner has vehemently argued that the impugned order is liable to be quashed on the ground that it has been passed without complying with the rules of natural justice.

4. We are wholly unimpressed by the submission made by the learned counsel for the petitioner. Rules of natural justice are not to be stretched to such an extent so as to protect persons, who secure employment with the State on the basis of a fraudulent plea. Once, the mistake has been detected by the respondents, they were at liberty to terminate the services of the petitioner. The services of the petitioner have been terminated under Clauses 10 and 11 of the appointment order. These clauses are as under:-

"10. Your appointment is on condition that your services may be terminated without any show cause notice if the driving licence, educational qualification or any other document is proved to be false.

11. If you do not fulfil technical/educational qualifications specified by Punjab Government for the above mentioned post, your services may be terminated without issuance of any show cause notice immediately, if such mistake comes to the notice of this office."

5. Apart from this, petitioner had furnished an affidavit on 24.03.1999, giving an undertaking that in case any document/driving licence produced by him is found to be fake, his services could be terminated forthwith. On enquiry from the licensing authority, it has transpired that the petitioner has produced a fake licence. Mere renewal of a fake licence would not turn it into a valid licence. The petitioner has played a fraud on the respondents and secured the job of a driver. In the process he probably deprived a legally qualified driver of the opportunity to gain employment. No misplaced sympathy or the cry of breach of rules of natural justice should be permitted to encourage such fraudulent practices. We find no reason to interfere.

Dismissed.

Sd/- Hemant Gupta, J.