

2025:PHHC:058232



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

239-1

CWP-7653-2020

VINEET

... Petitioner

VERSUS

UNION OF INDIA AND ANR

... Respondents

AND

239-2

CWP-7656-2020

Date of Decision: 01.05.2025

SANDEEP SINGH

... Petitioner

VERSUS

UNION OF INDIA AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Chirag Kundu, Advocate for the petitioner(s).

Mr. Anil Chawla, Sr. Panel Counsel for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Involving similar question, both these writ petitions are being decided by a common order, with the consent of counsel for the parties.

In brief, the controversy involved in these cases is as to whether the provisional appointment of the petitioners to the post of Civilian Motor Driver can be set aside by computing the experience w.e.f. the date of endorsement authorizing driving of Heavy Motor Vehicle or the same has to be counted irrespective of the date of such endorsement on the Driving Licence.

Learned counsel for the petitioners contends that the petitioners had applied for and were offered the provisional appointment to the post of Civilian Motor Driver by the respondent-Authorities. The said provisional appointment was subject to confirmation of vacancies and scrutiny of documents. He contends that vide communication dated 13.01.2020, the respondents conveyed that during scrutiny of documents, it was observed that the endorsement on the licences produced by the petitioners to drive PSV Bus and Transport (Heavy) was w.e.f. 02.05.2017 by the RTA, Jind, Haryana and that in view thereof, they did not possess the two years' prescribed experience as on the closing date of the online application i.e. 04.08.2018.

It is submitted by the counsel for the petitioners that similar aspect came up for consideration before a Division Bench of this Court in ***CWP-2088 of 2015*** titled as '***Union of India and Others Versus Central Administrative Tribunal and Others***', which was decided vide order dated 23.03.2015 wherein it was held that the respondents therein had the requisite experience and that the same was not to be determined w.e.f. the date of holding of a valid Driving Licence for a Heavy Transport Vehicle. The counsel contends that the said view was reiterated by the Division Bench also in its order dated 31.05.2016 passed in ***CWP No.9840 of 2016*** titled as '***Narender Kumar Versus Union of India and others***'.

Learned counsel for the respondents-Union of India is not in a position to dispute the abovementioned judgments of the Hon'ble Division Bench of this Court, wherein under the similar circumstances, the rejection of candidature of the petitioner by counting experience after the date of endorsement on the Driving Licence was held to be bad.

Having heard the learned counsel for the parties and keeping in view the documents appended alongwith the present petition and noticing the position in law as enumerated by the Division Bench Judgments, the present writ petitions are allowed and the impugned communications dated 13.01.2020 as well as 19.02.2020 setting aside the provisional appointment as well as the candidature of the petitioners are hereby quashed. The experience certificate has thus to be examined independent of the date of endorsement on the Driving Licence. The respondents are hence directed to take appropriate steps in compliance with the instant order.

The aforesaid observations are without prejudice to the right of the respondents to verify the experience certificate submitted by the petitioners to substantiate their right to seek an appointment. The original order(s) of provisional appointment of the petitioners is/are restored accordingly.

Let the necessary exercise of verification of the experience certificate and appointment, if any, be carried out by the respondents within a period of two months of the receipt of certified copy of this order.

MAY 01, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No