

Central Administrative Tribunal
Principal Bench

(17)

O.A. 1308/99

New Delhi this the 11 th day of February, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

1. Padam Singh,
S/o Shri Ramjilal Singh,
R/o B-1571, Shastri Nagar,
Delhi-52.
2. Jaiprakash,
S/o Daulat Singh,
R/o B-1571, Shastri Nagar,
Delhi-52. Applicants.

By Advocate Mrs. Rani Chhabra.

Versus

1. Union of India through
its Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan,
New Delhi.
2. Chief General Manager,
Telecom, West,
Dept. of Telecommunications,
Dehradun.
3. General Manager, Telecom,
Dept. of Telecommunications,
Jaina Tower, Raj Nagar,
Ghaziabad.
4. General Manager, Telecom,
Sector 19, Telephone Compound,
Noida.
5. Assistant Engineer (Installation),
Telephone Exchange, Khurja,
Distt. Bulandshahr.
6. Assistant Engineer (NEAX),
Dept. of Telecom,
Telephone Exchange, Bhoor,
Bulandshahr.
7. Sub-Divisional Officer,
Dept. of Telecom,
Telephone Exchange, Bhoor
Bulandshahr. Respondents.

By Advocate Shri K.R. Sachdeva.

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Hon'ble Smt. Lakshmi Swaminathan, Member(J.).

The applicants, two in number, are aggrieved by the action of the respondents in refusing to grant temporary status upon them in terms of the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Department of Telecommunications, 1989 (hereinafter referred to as 'the Scheme') issued by the respondents.

2. The applicants have contended that they had worked for various periods with respondents 4-7 who are situated at Noida and Bulandshahar in the State of UP. A preliminary objection had been raised by the respondents that as the applicants allege that they have worked with certain officers in Noida and Bulandshahar which has been denied on merits and that they are residents of District Bulandshahar, the Principal Bench of this Tribunal at Delhi does not have ~~any~~ jurisdiction in the matter. On this preliminary issue both the parties were heard on 25.1.2000. By Tribunal's order of that date, the applicant's counsel was called upon to bring on record some documents to establish that the applicants had worked as casual labourers with Respondents 4-7 who are at Bulandshahar and Noida and that they are presently residing at B-1571, Shastri Nagar, Delhi-52 as claimed by them. This address has been given in the memo of parties. It was further noted in that order that in the verification the applicants have given their addresses at New Delhi which is different from that given in the memo of parties which is given at Delhi-52. In the meantime, the respondents were also directed to file additional affidavit to the facts brought out in the rejoinder by the applicants.

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3. When the case was listed on 9.2.2000, the learned counsel for the applicant had submitted that she is ready to proceed with the case although she had intimated the applicants that the case was to be listed on 11.2.2000 as per the intimation given in the cause list. Accordingly, she proceeded to make her submissions on the aforesaid preliminary objection.

4. Learned counsel for the applicant has submitted that in pursuance of the aforesaid order dated 25.1.2000, she has filed two affidavits on 31.1.2000. The first affidavit is from applicant 1, Shri Padam Singh Verma. The second affidavit is from one Urmila Devi. Both these affidavits are dated 31.1.2000. There is no affidavit of the second applicant, Shri Jai Prakash. According to the learned counsel, these affidavits go to show that the applicants are residing with Urmila Devi at B-1571, Shastri Nagar, Delhi-52 since May, 99 and looking for jobs here.

5. Shri K.R. Sachdeva, learned counsel for the respondents, has submitted that no reliance can be placed on the aforesaid affidavits. He has submitted that applicant 2 has not filed even an affidavit and it is only applicant 1 who has stated that he is also staying in the same address given in the memo of parties. He has also submitted that these affidavits have been filed by the learned counsel for the applicants after moving a hurried application, PT 30/2000 on 28.1.2000. This PT had been moved on behalf of the applicants again by applicant 1 only before the Hon'ble Chairman to retain O.A. 1308/99 in the Principal Bench for hearing on merits. He has submitted that the Hon'ble Chairman was pleased to reject the PT on 28.1.2000, on the grounds that the

matter is sub-judice as per the order referred to above. Learned counsel has, therefore, submitted that there was absolutely no need for the learned counsel for the applicant to move PT30/2000 before the Hon'ble Chairman when the matter was sub-judice on this very issue. He has, therefore, submitted that these facts and circumstances should also be kept in view while reading the aforesaid affidavits filed on 31.1.2000. He has submitted that the affidavits do not in any way show that the applicants are resident in Delhi/New Delhi, as claimed by them. Hence he has prayed that as PT has also been rejected, the O.A. does not come within the jurisdiction of the Principal Bench of the Tribunal and the same should be dismissed with heavy costs in view of the above facts which show the applicants were trying to mislead the Tribunal

6. I have carefully considered the pleadings and the submissions of the learned counsel for the parties.

7. From the facts narrated above, it is seen that the applicants instead of complying with the Tribunals order dated 25.1.2000 regarding bringing on record the documents to show that they have worked as casual labourers with Respondents 4-7 who are at Noida and Bulandshahr and that they are ordinarily resident in New Delhi/Delhi in terms of the memorandum of parties and verification in OA 1308/99, have chosen to file a PT. This PT has been rejected by the Hon'ble Chairman by order dated 28.1.2000 noting that the matter is already sub-judice.

8. I have also carefully perused the affidavits dated 31.1.2000. Firstly, there is no affidavit of applicant 2 stating that he is resident in Delhi or New Delhi and it is noticed that only applicant 1 has signed the affidavit dated 31.1.2000 as well as PT 30/2000 on 28.1.2000. It is further noticed that even the rejoinder filed on 9.12.1999 has been signed by applicant 1 only. Applicant 2, Shri Jai Prakash is stated to be the first cousin of applicant 1 in both the affidavits dated 31.1.2000. From these facts, it is apparent that applicant 2 is not ordinarily residing at the address given in the memo of parties in Delhi as otherwise there is no reason why he could not also have given the affidavit in furtherance to the Tribunal's order dated 25.1.2000. No reliable documents have been submitted by them to support their averments, as directed in order dated 25.1.2000. The respondents have also submitted that they are residents of District Bulandshahar, U.P.

9. Taking into account the totality of the facts and circumstances of the case, I see merit in the contentions of Shri K.R. Sachdeva, learned counsel for the respondents that there has been ^a ¹² deliberate attempt on the part of the applicants to mislead the court by filing the above applications and documents that they are residing in Delhi. However, in the verification they have submitted that they are at present at New Delhi. Therefore, in the circumstances of the case, having regard to the provisions of Rule 6 of the CAT (Procedure) Rules, 1987 read with the provisions of the Administrative Tribunals Act, 1985, the O.A. is liable to be

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dismissed not only on the ground of jurisdiction but on the ground of concealment of material facts also.

9. In the result, for the reasons given above, the O.A. is dismissed. In the circumstances of the case, cost of Rs. 250/- (Rupees two hundred and fifty only) each is imposed against the applicants and in favour of the respondents.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'