

Central Administrative Tribunal
Principal Bench

O.A. 1060/97

New Delhi this the 12th day of September, 2000

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

1. Har Kishore,
S/o Shri Moolchand,
Resident of Village Pavee,
New Delhi.
2. Bhaje Ram Singh,
S/o Shri Roshan Singh,
R/o E-Block, House No. 541,
Jay Jay Colony (Khyala Gaon),
New Delhi.
3. Ajay Pal Singh,
S/o Shri Karan Singh,
R/o Gali No. 1, Guru Angad Nagar,
Delhi.
4. Pramod Kumar,
S/o Shri Moolchand,
R/o Village Pavee,
New Delhi.
5. Susheel Kumar,
S/o Shri Kanshi Ram,
C/o Yusuf Contractor,
Lalita Park, Gali No. 7,
New Delhi.
6. Jagpal Singh,
S/o Shri Net Ram,
R/o House No. 1421,
Shera Wali Kothi, Lallu Das
Ji Ka Makan,
Sabji Mandi, Ghantaghara, Delhi.
7. Raj Kumar,
S/o Shri Moolchand,
R/o Village Pavee,
New Delhi.
8. Jagdish Singh,
S/o Shri Imrat Singh,
R/o House No. 49,
Lakshmi Nagar, Delhi.
9. Ram Chander,
S/o Shri Puran,
R/o A Block, 237,
Prem Nagar-III,
Kiradi, Nangloi,
New Delhi.

(By Advocate Shri A.K. Bhardwaj)

Versus

1. Union of India through
The Secretary,
Ministry of Communication,
Sanchar Bhawan,
Sardar Patel Chowk,
New Delhi.
2. The Sub Divisional Officer (Telecom),
Department of Telecommunication,
Bijnor.
3. The Sub Divisional Officer (T),
Department of Telecommunication,
Moradabad.
4. The C.O. Telegraph,
Bhopal House,
Lal Bagh, Lucknow (UP).
5. The Sub Divisional Officer (Telegraph),
Department of Telecommunication,
Hapur.
6. The Chief General Manager (Telecom.),
Project (N/Z) Eastern Court Complex,
Janpath, New Delhi. ... Respondents.

(By Advocate Shri K.R. Sachdeva and Shri V.S.R. Krishna)

O R D E R (ORAL)

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

The applicants, nine in number claim that the action of the respondents in not regularising them as Group "D" employees in the Department is illegal and against the provisions of law. ^{and} They have also impugned their termination from service with effect from July, 1996.

2. I have heard Shri A.K. Bhardwaj, learned counsel for the applicants and S/Shri K.R. Sachdeva and V.S.R. Krishna, learned counsel for Respondents 2-5. I have also perused the pleadings in this case.

Yours

3. According to the applicants, they have been engaged as casual labourers by the respondents, namely, SDO (Telecom), Bijnore, and SDO (Telegram), Moradabad, from various dates which have been given in detail in paragraph 4.4 of the application. Learned counsel for the applicant has submitted that even though the applicants have put in a number of years on muster roll basis, the applicants were shifted to ASG-17 establishment and continued in service on that basis till July, 1996. He has submitted that from the records it can be seen that as the applicants have worked as casual labourers for a number of years, they were entitled to be conferred "Temporary Status" under the Scheme prepared by the Department in 1989. He has also submitted that after dispensing with the services of the applicants as casual labourers with effect from July, 1996, the respondents have also retained junior persons in the services which again is illegal and improper. In the circumstances, learned counsel has prayed for a declaration that the action of the respondents in terminating the services of the applicants as casual labourers is illegal and improper and a direction to the respondents to reinstate them in service with all consequential benefits and arrears of pay.

4. The respondents in their replies have alleged that some of the certificates annexed to the application are false and fabricated. This has been stated in the counter affidavit filed on behalf of Respondents 2 and 3 as well as Respondent 4. In the reply filed by Respondent 3, it has been stated that there is no such designation like Sub-Divisional Officer, Telecom, Bijnore, in the Department of Telecommunications and copies of the certificates

annexed by the applicants in the O.A. are forged and fabricated. In the reply filed by Respondent 2, the verification has been attested by SDO, Telegraphs, Bijnore and in the counter affidavit of Respondent 3, the same has been done by SDO, Telegraphs, Moradabad. The learned counsel for the respondents has drawn attention to the certificates annexed by the applicants at Annexure A-2 and on page 22 of the paper book, with respect to applicant No. 4, the certificate is stated to be issued by the Sub-Divisional Officer, Telecom, Bijnore. Similarly, the respondents have stated that other certificates annexed by the applicants regarding their service have also been fabricated and forged and cannot, therefore, be relied upon.

5. It is relevant to note that no rejoinder has been filed by the applicants to controvert the aforesaid facts asserted by the respondents. Shri A.K. Bhardwaj, learned counsel has submitted that the various respondents have filed counter replies from time to time and some as late as in August, 2000. He has fairly submitted that in the meantime, the applicants have not contacted him and hence, he was not in a position to file rejoinder to dispel the averments made by the respondents.

6. From the facts mentioned above, it is noted that the respondents have made serious allegations that the applicants have filed forged and fabricated copies of working days certificates under the designations of officers who~~re~~ actually do not exist in the Department. This is a serious allegation. From the documents on record, the submissions made by the learned counsel for the

respondents that there is no such designation like Sub-Divisional Officer, Telecom, Bijnore in their Department, has not been controverted in any manner by the applicants. In the circumstances, there is no reason to disbelieve the averments made by the respondents in the present case.

7. In view of what has been stated above, as the applicants have not approached the Tribunal with clean hands, they are not entitled to any reliefs. In such circumstances normally they would also have been burdened with heavy costs but considering the fact that they are only casual labourers and are unemployed, the O.A. is dismissed as without any merit but with no order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

"SRD"