

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(6)

OA No. 1918 of 1997

New Delhi, this the 20th day of February, 1998.

Hon'ble Mr. N. Sahu, Member(A)

Ausari Singh Yadav
3/o Shri Lakhan Singh Yadav
R/o 286, Mojpur, Shahdara
Delhi

... Applicant

(By Advocate : Ms. Richa Goel,
proxy for Mrs. Rani Chhabra)

Versus

Union of India : through

1. The Secretary
Ministry of Telecommunications
Sanchar Bhawan
New Delhi - 110 001

2. The Chief General Manager
Dehra Dun

3. The General Manager
Ghaziabad

4. The Sub-Divisional Engineer
Sector-9, Telephone Exchange
Noida

5. The Sub-Divisional Engineer
FRS, Noida

6. The Sub-Divisional Officer
Section 19/A-714
Noida

... Respondents

(By Advocate : Sh. K.R. Sachdeva)

ORDER(ORAL)

By Sh. N. Sahu, Member(A) -

The relief prayed for in this OA is to direct the respondents to take back the applicant immediately and confer temporary status on him and declare that the oral order passed by the Respondent No.4 terminating the services is contrary to law.



2. The claim of the applicant is that he worked from July, 1995 to July 1996 for a period of one year out of which he worked as a Casual Labourer for 240 days. His grievance is that his termination is not in compliance with the provisions of Section 25-F of Industrial Disputes Act and is also contrary to the Scheme framed by the respondents for grant of temporary status to all casual labourers who worked for 240 days in a year. Learned proxy counsel for the applicant has brought to my notice a decision of the Supreme Court in Narotam Chopra Vs. Presiding Officer, Labour Court & Ors. - 1989 Supp(2) SCC 97 in which termination of services in violation of Section 25-F of the Industrial Disputes Act was held to be ab initio void following the earlier decision of the Supreme Court in Gammon India Ltd. Vs. Niranjan Dass - (1984) 1 SCC 509. In support of the claim of the period of work Annexure-P1 has been filed. Annexure-P1 is an undated letter certifying that the applicant has worked in the telephone exchange in Power Plant, Noida as a Casual Labourer from 04.07.1995 to 15.05.1996. This certificate is claimed to have been signed by two Assistant Engineers, namely, Sh.S.V. Singh and Sh.Lala Ram.

3. Learned counsel for respondents has pointed out that this OA is defective on two counts. First relates to jurisdiction. It is stated that the cause of action arose in Ghaziabad, U.P. and the CAT, Principal Bench has no jurisdiction to entertain the OA. Second point no doubt is more serious. A

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positive statement has been made both in the counter affidavit as well as at the time of arguments that the Annexure-P1 appears to be a forged one. The certificate with joint signatures of two Assistant Engineers were stated to be never issued. In support of the same, the learned counsel filed two statements from both the signatories, Sh.S.V. Singh and Sh. Lala Ram who denied that they have ever issued any such certificate and both of them stated that certificate appears to be forged.

4. I do not want to proceed with this OA any further. Even if the technical ground of lack of jurisdiction is kept aside, the genuineness of the basic document on which this whole case stands is seriously questioned. In the alternative, learned counsel for respondents urged that the original certificate be produced before this Court. This Court is not meant to adjudicate on facts. I would, therefore, suggest it will be appropriate for the applicant to produce the original certificate before Respondent No.3, the General Manager, Ghaziabad who will conduct an inquiry into the genuineness of this document and if he is satisfied that the document is genuine, he shall after going through the provisions of the Scheme pass an appropriate order conferring whatever is legally due to the applicant under the

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Scheme. If the document is not genuine, Respondent No.3 is at liberty to take any appropriate proceedings that he thinks proper in law.

b. OA is disposed of. No costs.

Narasimha

(N. Sahu)
Member (A)

/Kant/