

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench, New Delhi.

O.A. No. 3082 of 1992

(a)

New Delhi this the 16th April, 1998

HON'BLE MR. S.R. ADIBGE, VICE CHAIRMAN (A)
HON'BLE MR. T.N. BHAT, MEMBER (J)

Shri Raghunath Singh,
C/o Shri Chander Singh,
R/o 109/9, Railway Colony,
Kishan Ganj,
Delhi-110007.

..... APPLICANT

(None appeared on second call)

Versus

1. Central Public Works Dept.
through its Director General of Works,
Nirman Bhawan,
New Delhi.

2. Superintending Engineer,
C.P.W.D.,
Coord. Elec. Circle,
I.P. Bhawan,
New Delhi-110002.

3. Executive Engineer (E),
Electrical Div. No.1,
CPWD, I.P. Bhawan,
New Delhi-110002.

..... RESPONDENTS

(By Advocate: Shri B.K. Punj proxy
for Shri P.H. Ramchandani,
CGSC).

ORDER (Oral)

Hon'ble Mr. S.R. Adige, Vice Chairman (A)

Applicant challenges respondents' order dated 15.9.92 (Ann. F) and seeks a direction to respondents to declare him as a regular and duly selected Lift Operator with all consequential benefits.

2. Admittedly, applicant was ^{a7} ~~1~~ muster roll Lift Operator. Respondents initiated action for regularisation of such muster roll lift operators in which applicant also participated and was trade

(10)

tested and was regularised. Later it came to respondents' notice that applicant had given misleading and false certificate regarding his experience and had thus secured regularisation by means of fraud. Respondents issued letter dated 3.6.92 (attached to reply) to applicant to show cause why action should not be taken against him and applicant does not deny in rejoinder that he did not submit any reply to that letter. Accordingly respondents by impugned order dated 26.9.92 withdrew their earlier order regularising applicant and put him back as a muster roll lift operator.

3. None appeared for applicant even on the second call. Shri Ramchandani, Counsel for Respondents was present on the first call. On the second call Shri B.K. Punj proxy counsel for Shri Ramchandani appeared and was heard.

4. This case was listed at Sl. No.5 of the regular hearing list today, and on top of which is the clear superscription that cases of the year 1992 and earlier to that will not be adjourned. This is a 1992 case. Therefore, we are proceeding to dispose it of after perusing the material on record and hearing Shri Punj.

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5. Shri Punj has invited our attention to the CAT, PB dated 21.7. 87 in Sanjiv Kumar Aggarwal & Ors. Vs. U.O.I. & Ors. and connected cases [ATC 1987 (3)], in which it has been held that the Tribunal would ~~not~~ interfere with the termination order on the ground of violation of natural justice, where appointment is secured by dishonest means or where such appointment was never intended to be made.

6. Applicant's contention in his pleadings are that he was not given a proper opportunity to defend himself before the impugned order dated 15.9.92 was passed but in view of the fact that prima facie applicant secured his regularisation on the basis of misleading and false information and he did not even care to reply to respondentss' letter dated 3.6.92 asking him to show cause why action should not be taken against him. We hold that the ruling in S.K. Aggarwal's case (Supra) squarely applies to the facts and circumstances of the present case and the O.A. therefore warrants no interference. It is dismissed. No costs.

bhat
(T.N. Bhat)
Member (J)

/GK/

Arjohge
(S.R. Arjohge)
Vice Chairman (A)