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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH,
ALIAHABAD.

1. O.A.No.859 of 1988

Virendra KumarApplicant.

Versus

Union of India & othersRespondents.

Connected with:

2. O.A.No.858 of 1988

Deepak KumarApplicant.

Versus

Union of India & othersRespondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

As similar questions of fact and law are involved in the aforementioned cases and the reliefs sought for by the applicants are the same, we are going to dispose of these cases in this common judgment.

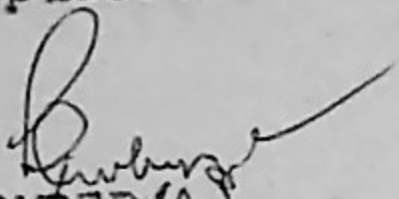
2. In O.A.No.858 of 1988, the applicant claims to have worked as casual labourers from 15.3.78 to 14.1.79 i.e. 197 days. He further worked as casual labourer from 1.7.86 to 6.11.86 i.e. 123 days and as such he acquired temporary status and in the seniority list his name also finds place. The grievance of the applicant is that although there are several other casual labourers who have completed more than 120 days of continuous service but their names were not sent for medical examination and they have not been regularised and as such many casual labourers including the applicant made representation in this behalf but with no result and no work was given to them and juniors have been allowed to work. In the other case (O.A.No.859/88), the applicant's allegation is that he worked from 1978 to 1979 for 169 days and

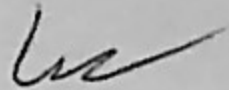
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thereafter again 123 days between 1.7.86 and 6.11.86 and he was not allowed to do work.

3. The respondents have refuted the allegations made against them and according to them, applicants never acquired status of temporary employee and the benefits of various provisions regarding regularisation and continuation and appointment are admissible to those who have secured appointment by fair means and not by false means. The applicants did not ask for engagement themselves for the simple reason that they had not worked anywhere else prior to 1986, so the benefit of working in 1978 does not arise. As a matter of fact, it was found out that the applicants submitted a forged card and the applicants had never worked. This fact having been detected, there was no question of considering their cases for appointment or absorption. The applicants have refuted the allegation that the card which was issued to them was a forged card and as a matter of fact in case the other persons, who were junior to the applicants, were allowed to continue or they were considered for regularisation or re-engagement, their cases could have also been considered. In case, it was found that of course they have used the forged card, they should have been given atleast opportunity to accept or refute the same and it is only after associating them, the respondents could have arrived at a conclusion that the card, which was submitted by them, was a forged card and by using the forged card, they got the appointment and their cases for appointment or regularisation could not have been considered. Accordingly, the respondents are directed to hold an enquiry in the matter associating the applicants with the same and if thereafter they come to the

conclusion that they procured a forged card in order to get employment, the applicants may not be given any employment but in case it is found that they have not used the forged card and the forged card was not prepared by them, their cases for re-engagement and reappointment or regularisation may be considered, in case the persons who were engaged subsequent to the applicants have been allowed to continue in service in same capacity or the other. Let the enquiry be concluded within a period of three months from the date of communication of this order and the enquiry will not be conducted by the authority who had concluded the enquiry earlier. With these observations, the application stands disposed of. No order as to costs."


MEMBER (A)


VICE CHAIRMAN.

DATED: FEBRUARY 12, 1993.
(ug)

O.A.-859/88
connected with
O.A.-858/88

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12-2-93

Heard Mr. Justice U.C. Sinha, V.C.
Heard Mr. K. Obayya, A.M.

Heard the learned Counsel
for the Parties. Judgment
dictated separately.

A.M.

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V.C.

Judgment Dated
the
15.3.93.