

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. 11/93 to O.A./27/93

~~Ex No.~~ O.A./27/93 to O.A./33/93 and  
O.A./43/93 and O.A./44/93

DATE OF DECISION. 12-3-1993

Shri P.G.Patel & others Petitioner

Mr.M.S.Trivedi Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Mr.Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B.Patel

: Vice Chairman

The Hon'ble Mr. V.Radhakrishna

: Admn. Member



1. Shri P.G.Patel
2. Shri D.M.Patel
3. Shri B.S.Baria
4. Shri A.M.Patel
5. Shri M.S.Patel
6. Shri R.B.Zala
7. Shri J.N.Patel
8. Shri A.V.Baria
9. Shri C.N.Patel

All are the Casual Labourers,

S.D.O.P.,

Nadiad .

.....applicants

(Advocate : Mr.M.S.Trivedi)

versus



1. Union of India through  
The Secretary,  
Ministry of Telecommunication,  
Sanchar Bhavan,  
New Delhi.

2. Telecommunication District Manager,  
Office of the Telecommunication,  
District Manager,  
Nadiad.

3. Sub Divisional Officer,  
Office of the Sub Divisional Officer,  
Telegraphs,  
Nadiad.

.....respondents

(Advocate : Mr. Akil Kureshi)

ORAL ORDER

O.A./11/93 to O.A./27/93

O.A./27/93 to O.A./33/93 and

O.A./43/93 and O.A./44/93

Date : 12-3-1993

Per : Hon'ble Mr.N.B.Patel,  
Vice Chairman

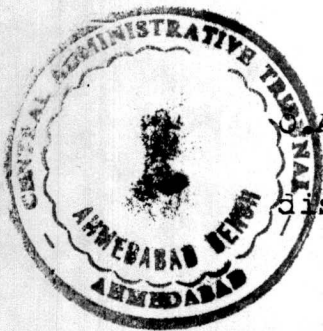


Mr.M.S.Trivedi, learned advocate for  
the applicant.

Mr.Akil Kureshi, learned advocate for  
the respondents.

Mr.Trivedi states that all the applicants  
have made representations on or about 5th January, '93.  
Even if some applicants have not made represen-  
tations, they may now make it within a period  
of 2 weeks hereof. All the representations  
received, and , to be received, by the department  
may be treated as having been received within  
time. The representations may be considered and  
decided as expeditiously as possible. The decisions  
taken on the representations made by the  
applicants may be communicated to them in  
writing and in case of any decision to terminate

the services of any applicant or applicants, such decisions may not be implemented for a period of 10 days, after communication thereof to the concerned applicant(s). If any of the applicants feels aggrieved by the decision taken on his representation, he will be at liberty to move the Tribunal for revival of his application by filing Miscellaneous Application. , This Original Application is disposed of as above.



In view of this order passed in M.A., The M.A. does not survive and stands disposed of accordingly.

Sd/-  
( V.Radhakrishnan )  
Member (A)

Sd/-  
( N.B.Patel )  
Vice Chairman

TRUE COPY

*A. H. Reddy*  
Section Officer  
Central Administrative Tribunal,  
Ahmedabad Bench.



CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD.

Application No. 08/13/93. of 199

Transfer Application No. \_\_\_\_\_ Old Writ Pet. No. \_\_\_\_\_

C E R T I F I C A T E

Certified that no further action is required to be taken  
and the case is fit for consignment to the Record Room (Decided).

Dated : 30/03/93.

Counter-signed :

*08/13/93*  
Section Officer/Court Officer

*R-S. Christiam*  
Sign. of the Dealing Assistant

# INDEX SHEET

NAMES OF THE PARTIES Shri D. N. Patel

VERSUS

U. of T. 8018

[illegible]

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD.

Submitted:

C.A.T./JUDICIAL SECTION.

Original Petition No:

OA/13/93

of

1993

Miscellaneous Petition No:

\_\_\_\_\_

of

\_\_\_\_\_

Shri

A. N. Patel

Petitioner(s)

Versus.

V. O. Indira Rtn.

Respondent(s).

This application has been submitted to the Tribunal by  
Shri M. S. Bivedi.

Under Section 19 of the Administrative Tribunal Act, 1985.

It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunal Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The Applications has been found in order and may be given to concerned for fixation of date *except item 2 (c), 4, 7 (a), 7 (b), 8 & 13*

The application has not been found in order for the reasons indicated in the check list. The applicant Advocate may be advised to rectify the same within 14 days/draft letter is placed below for signature. *Order in OADR/484/92 may be passed*

*CAO*  
*06/11/93*  
ASSTT:

S.O.(J):

*CBHAF 6.1.93*

D.R.(J):

*on leave* *no signature not attache with*

KNP24492.

*ADP.*  
*10/11/93*

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

APPLICANT(S) Shri. A. N. Patel.

RESPONDENT(S) V. O. India & Co.

PARTICULARS TO BE EXAMINED

ENDORSEMENT AS TO  
RESULT OF EXAMINATION.

1. Is the application competent ? *yes*
2. (A) Is the application in the prescribed form ? *yes*
- (B) Is the application in paper book form ? *yes*
- (C) Have prescribed number complete sets of the application been filed ? *second set not in book paper*
3. Is the application in time ? *yes*  
If not, by how many days is it beyond time ?  
Has sufficient cause for not making the application in time stated ?
4. Has the document of authorisation/ Vakalat Namabeen filed ? *yes in copy*
5. Is the application accompanied by D.D./I.P.O. for Rs.50/- ? Number of D.D./I.P.O. to be recorded. *100-801-897 99/*  
*31-12-81*
6. Has the copy/copies of the order(s) against which the application is made, been filed ? *yes*
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ? *A/I not filed*
- (b) Have the documents referred to in (a) above duly attested and numbered accordingly ? *no*
- (c) Are the documents referred to in (a) above neatly typed in double space ? *Leavey copies*
8. Has the index of documents has been filed and has the paging been done properly ? *Index not filed*



PARTICULARS TO BE EXAMINED.

ENDORSEMENT TO BE RESULT OF EXAMINATION.

9. Have the chronological details of representations made and the outcome of such representation been indicated in the application ? *yes*
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal ? *no*
11. Are the application/duplicate copy/copies signed. ? *yes*
12. Are extra copies of the application with annexures filed ? *yes*
- (a) Identical with the Original.
- (b) Defective.
- (c) Wanting in Annexures
- No. \_\_\_\_\_ Page NOs. \_\_\_\_\_ ?
- (d) Distinctly Typed ?
13. Have full size envelopes bearing full address of the respondents been filed ? *no*
14. Are the given addressed, the registered addressed ? *yes*
15. Do the names of the parties stated in the copies, tally with Name(s) those indicated in the application ? *yes*
16. Are the translations certified to be true or supported by an affidavit affirming that they are true ? *no*
17. Are the facts for the cases mentioned under item No 6 of the application ?
- (a) Concise ?
- (b) Under Distinct heads ?
- (c) Numbered consecutively ?
- (d) Typed in double space on one side of the paper ? *every copy*
18. Have the particulars for interim order prayed for, stated with reasons ? *yes*

KNP30192.

*see page 3*

8A ST. 497192

①

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH AT AHMEDABAD.

ORIGINAL APPLICATION NO.

113

OF

1992.

1993

Shri

A. N. Patel  
CL SDO

...

Applicant.

versus.

1. Union of India, through

The Secretary,  
Ministry of Telecommunication,  
Sanchar Bhavan,  
New Delhi.

2. Telecommunication District

Manager, Office of the Telecommu-  
-nication District Manager,  
Nadiad.

3. Sub Divisional Officer,

Office of the Sub Divisional  
Officer, Telegraphs,  
Nadiad.

...

Respondents.

1. PARTICULARS OF THE APPLICANT :

(A) Name of the applicant :

Arvin sik

(B) Name of the father :

Navalsinh

(C) Designation & office :  
in which employed :

CL  
SDO

4114  
04/11/93  
[Signature]

: 2 :

(D) Address for service : M, S. Trivedi, Advocate  
of all notices : E/4, Shivani Apartment,  
Behins Sahajanand college,  
Ahmedabad - 380 015.

2. PARTICULARS OF THE RESPONDENTS :

kxx

As stated in the cause  
title.

(3) Details of impugned  
order :

Memo No. X-1 TPM-92-93

Date 30-11-92

Passed by SGT

Regarding termination of  
services.

(4) JURISDICTION :

The applicant hereby submits that the subject  
matter of this application is within the jurisdiction  
of this Hon'ble bench.

(5) LIMITATION :

The applicant further declares that the appli-  
-cation is within the time limit prescribed U/s. 21  
of the ~~Act~~ Administrative Tribunal Act.

(6) FACTS OF THE CASE :

The applicant humbly states that the applicant  
is citizen of India and thus entitled for benefits  
guaranteed by various provisions of Constitution of  
India. The applicant further states that at present  
the applicant is working as Casual Labour on muster  
rolls in the office of the respondents.



6.2 The applicant further submits that he is working since last more than five years on the establishment of the respondents, on muster rolls. The applicant further states originally he was engaged in the Railway administration and he had worked under the Assistant Engineer, Railway Electrification Division Baroda in the year 1984 - 85.

6.3 The applicant further submits that thereafter he was engaged as casual labour in the telecommunication department. The applicant further submits that as mentioned hereinabove the applicant had worked under the Assistant Engineer, Railway Electrification Division, Baroda necessary muster roll certificate was also issued to the applicant by the Railway administration.

6.4 The applicant further states that vide letter dtd. 14.9.1992 D.E., (Admn) Telecommunication District Manager, Nadiad had informed the applicant first time after lapse of more than five years and asked the applicant to submit the original <sup>M</sup>X/R certificate for the work done under R.E. Division with <sup>in</sup> 10 days. Copy of the said letter dated 14.9.1992 is annexed herewith and marked as Annexure-'A/1' to this application.

6.4 The applicant further states that as desired by Divisional Engineer, Telecommunication District



Manager, Nadiad vide his letter dated 14.9.1992 the applicant had submitted the original M.R. certificate issued by the Railway Administration to the applicant to the respondent for verification. Thereafter vide memo No.

dated notice was issued to the applicant by the respondents. Copy of the said notice is annexed herewith and marked as Annexure 'A/2' to this application.

6.5 The applicant further submits that he was very much shocked and surprised as and when he received the said notice. It was mentioned in the said notice that on verification of Muster Rolls by the office of the Telecom District Manager, it is observed that Muster Roll Certificate submitted by the <sup>applicant</sup> ~~respondent~~ is fabricated and false. It was further mentioned in the said notice that hence your engagement on muster roll, on the basis of such fraudulent documents shall be terminated after 30 days from the date of receipt of this notice. Moreover 10 days time was given to the applicant to make any representation or produce any documents, if the applicant desires.

6.6 The applicant further states that the said notice was received the next day by the applicant. The applicant repeats and reiterates what is stated hereinabove para <sup>6.5</sup> ~~6~~ that the

applicant was very much shocked and surprised when he received the notice from the respondents. It is pertinent to note that similar notices are issued by the respondents to other employees ~~who~~ alongwith the applicants. Moreover as the M.R. certificates were issued very long back so applicant had to collect the old papers and collect information from ~~after~~ sources. The applicant further submits that as it is very known to every one that there was disturbances all over the country since 6th December, 1992. Due to such disturbed unavoidable and unforeseen circumstances the applicant could not submit the representation or was not able to produce any documents within the time limit to the respondents.

6.7 The applicant further submits that as mentioned hereinabove similar notices were issued to other employees by the respondents and they have also to submit any representation within time limit. But all persons were working at different places in Nadiad. Therefore alongwith other employees the applicant had sent a telegram on 23.12.1992 to the respondent through his advocate and requested them to extend the time limit to submit the representation. Copy of the said telegram is annexed herewith and marked as Annexure-'A/3' to this application.

6.8 The applicant further states that immediately on the next the applicant had again repeated his request through his advocate and requested the respondents to extend the time limit specified in



the said notice. Copy of the said letter dated 24.12.1992 is annexed herewith and marked as Annexure 'A/4' to this application.

6.9 The applicant further submits that the notice issued by the respondents itself is illegal, arbitrary, pre-judged, prejudicial and malafide. <sup>over</sup> More the said notice is against the principles of natural justice. It is pertinent to note that simply on the basis of observation and merely on verification of the Muster Roll certificates it was concluded and decided by the respondents that the said certificates is fabricated and false. Neither any enquiry was made regarding its authenticity, validity by the respondent nor any opportunity was given to the applicant to prove its validity, it was judged by the respondents <sup>that if</sup> is fabricated and false. Moreover without making further enquiry it was decided by the respondents that the alleged muster roll certificate submitted by the applicant was fraudulent and therefore a harsh <sup>was</sup> decision like a blow from heaven on the applicant as taken by the respondents to terminate the services of the applicant after 30 days from the said notice.

6.10 The applicant repeats and reiterates what is stated hereinabove para <sup>6.9</sup> of the petition and submits that the said notice is illegal and requires to be quashed and set aside. Moreover as mentioned hereinabove that the decision taken by the respondents is prejudice and prejudicial. Therefore the applicant had bonafide, valid and strong

apprehension that the respondents will not accept the request made by the applicant through his advocate vide telegram dated 23.12.1992 and dtd. 24.12.1992, to extend the time limit to submit representation or produce any documents. Thereafter the long loyal and lengthy, sure and spotless services of the applicant will come to end due to illegal, unjust action on the part of the respondents.

That no any other and further efficacious remedy left except to approach this Hon'ble Tribunal by this application for his grievances.

RELIEFS :

Looking to the facts and circumstances of the case the applicant therefore prays as under :

- (1) that the Hon'ble Tribunal be pleased to admit this application;
- (2) That this Hon'ble Tribunal be pleased to quash and set aside notice dtd. issued by the respondents;
- (3) any other and further relief that the Hon'ble Tribunal may deem fit may be given to the applicant;

8. INTERIM RELIEF :

The applicant prays for interim relief as under :



- (1) Pending hearing and final disposal of this application the Hon'ble Tribunal be pleased to direct the respondent/its subordinates to extend the time limit ~~prescribed~~ to submit representation or produce the document by the applicant prescribed in the notice dtd. <sup>during</sup> pendency and final disposal of this application further be pleased to direct to stay the operation/implementation of the said notice dtd. 36/11/92 issued by the respondents;

- (2) Any other and further relief/s may kindly be passed in the interest of justice;

9. REMEDY EXHAUSTED :

The applicant further states that he has availed all the legal remedies available to him as per the existing rules and regulations.

10. MATTER NOT PENDING :

The applicant further declares that the subject matter of this application is not pending before any branches of the Tribunal and not pending before any judicial forum.

8

10. Details of I.P.O. 801-897991  
Dt 31/12/92  
Naurangpur

11. Details of annexures. Separate index enclosed  
herewith.

Dt. 30.12.92 - Mr. A.N. Patel  
Applicant.

Verification.

I A.N. Patel, adult, occupation  
service resident of Nadiad, do hereby verify and states  
that what is stated herein above are true and I have  
not suppressed any material facts.

Dt. 30.12.92. Mr. M.S. Trivedi

M.S. Trivedi  
( M.S. Trivedi )  
Advocate.

Applicant. M.S. Trivedi  
led by Mr. ...  
Learned Advocate for Petitioners  
with second set & 4... copies  
copies copy served/not served to  
other side

31/12/92  
31/12/92 By Registrar C.A.T. ( )  
A'bad Bench

(6)

A-2

11

Government Of India  
Department Of Telecommunications  
Office Of The Sub-Divisional Officer Telegraphs  
Nadiad-387 001.

Memo No: X-1/TRM/92.93

Dtd at Nadiad the 30.11.92.

NOTICE

On verification of Muster Rolls by the office of the Telecom District Manager Nadiad, it is observed that Muster Roll Certificate submitted by Shri \_\_\_\_\_ Working as \_\_\_\_\_ is fabricated & False. And hence your engagement on Muster Roll, On the basis of such fraudulent documents shall be terminated after 30 days from the Date of receipt of this NOTICE. If you desire to make any representation or produce any documents, you may do so within 10 Days, from the date of receipt of this NOTICE.

30/11/92  
SUB DIVISIONAL OFFICER TELEGRAPHS  
NADIAD-387 001.

To,  
Shri \_\_\_\_\_

\_\_\_\_\_  
Copy to: Telecom District Manager, Nadiad.

दूरसंचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

III - TELEGRAM

O.T.U. Ahmedabad-N



34  
A3  
12

प्रभार CHARGES		हस्ताक्षर INITIALS		भेजने के बगैरे XMIN PARTICULARS				तारीख-मोहर	
G. Rs.	P. P.			संघ. स. LN	सर्किट CCT	समय TIME	हस्ताक्षर INITIALS		
सेवा संकेत S.O.M.	टर्मिनल संदेश सं. TMNL MSGE No.	प्राथमिकता PTY CLASS		गंतव्य कोड DESTINATION CODE			बि.लि. संकेत D.S.I.		
ZCZC									
कक्षा CLASS	समय TIME	क्रम सं. SL. No.		मूल तार पर OFFICE OF ORIGIN			तारीख DATE		सेवा अनुदेश S.I.
				O.T.U. Ahmedabad-N					शब्द WORDS

सेवा संकेत SERV.IND.	नाम/NAME <u>G.H. DIVISIONAL OFFICER</u>			
	पता/ADDRESS <u>Telegraphists, "Karpudvanj"</u>			
	जिल्ला/DISTRICT			
तार पर TELEGRAPH OFFICE	टेलिफोन TELEPHONE	टेलिक्स नं. TELEX NUMBER	पिन/PIN	

KTIVLY	REFER	YOUR	MEMO	NO
TRM	92-13	NOTICES	DATED	30-11-92
UNDER	THE	INSTRUCTIONS	OF	MY
CLIENTS	I	REQUEST	YOU	TO
EXTEND	THE	TIME	LIMIT	TO
CURBLET	REPRESENTATION	DELAY	DUE TO	
DESTRUCTANCES	ALL OVER	STATE	DETAILED	

भेजने वाले का नाम SENDER'S NAME (TO BE TELEGRAPHED)	<u>LETTER FOLLOWS</u>	
तार से न भेजा जाए NOT TO BE TELEGRAPHED	<u>M. S. Trivedi, Advocate, Aliscod</u>	

कृपया इस फार्म के पीछे की गई शर्तों पर उपर्युक्त तार भेजें।

Please forward the above telegram subject to condition on reverse of this form.

पता  
ADDRESS

भेजने वाले के हस्ताक्षर  
SENDER'S SIGNATURE

फोन  
PHONE



Mahesh S. Trivedi

M. A. LL.B.  
(High Court) Advocate

Phone : O. 460065  
R. 408570

L/39, Shilvani Apartment,  
Behind Sahjanand College,  
Azad Society, Road,  
AHMEDABAD-15.

BY R.F.A.D.

Dt. 24.12.1992

To,

1. The Sub Divisional Officer,  
Telegraphs,  
Kandwanj.
2. The Sub Divisional Officer,  
Phones,  
Nadiad.
3. The Sub Divisional Officer,  
Telegraphs,  
Nadiad.

Sub :- Your memos Nos. 1. EX-1-TRM-92-93,  
dtd. 30.11.92  
2. S-21-92-92 dtd. 11.12.92  
3. TRM/CL/EDWP/92-93  
dtd. 16.12.92 regarding  
notices of termination  
from services.

Respected,

I, undersigned M.S. Trivedi, Advocate under the instructions of my clients and on behalf of my clients (as per list enclosed herewith) would like to request you to refer my telegram dated 23.12.92 on the subject cited above.

I would like to further inform you that vide your abovereferred memos you had given 10 days time to submit any representations or produce any documents within 10 days from the date of receipt of the said memos.

I would like to state that said notices were

: 2 :

received by my clients immediately after the next date or after two days from the date of issued of the said notices i.e. on ~~1.12.92~~ 1.12.92 or 2.12.92, 12.12.92 or 13.12.92, 17.12.92 or 18.12.92 in respective cases.

I would like to inform you that my clients are working as casual labourers since 1984-85. Originally they were engaged in the railway administration and subsequently they were transferred to telecommunications department. They had put-up atleast 5 to 7 years continuous services as casual labourers and they were granted temporary status too. Thus, they are now entitled/eligible for regularisation and absorption in the service. Instead of that all of a sudden you had given them notices that on verification of master rolls by you it is observed that master roll certificates submitted by my clients are so-called false fabricated and fraudulent and, therefore, they are liable to be terminated after 30 days from the date of aboveset forth notices.

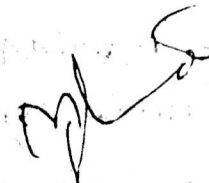
I would like to draw your kind attention towards the facts that at present they are working at different places and more over they have to look into and verify

: 3 :

old papers available with them and which requires long and lengthy exercise. As you are aware of about the situation arisen from 6.12.92 in all over the country and in the said circumstances my clients were not able to collect the facts and submit the representations within the time limit prescribed in the aboveresferred notices.

I, therefore, request you to kindly extend the time limit to submit the representations to you by my clients and further request you to amend your above-referred memos dated 30.12.92, 11.12.92 and 16.12.92 accordingly, in the interest of justice and to offer an opportunity to my clients to present their legal genuine and fair case before you for your kind consideration.

Thanking you,

  
( M.S. TRIVEDI )  
Advocate.

c.c. to :

1. Telecom District Manager,  
office of the T.D.M., Nadiad with a request to look into the matter and issue necessary instructions accordingly in the above cited subject.



16

Sr. Nos.	Name of the applicant	Place at present working	Date of notice.
1.	M.N. Patel	Kheda	30.11.92
2.	D.S. Baria	Nadiad	30.11.92
3.	I.M. Baria	Dakor	30.11.92
4.	S.M. Baria	Kheda	30.11.92
5.	G.B. Patel	Thasra	30.11.92
6.	U.M. Patel	"	30.11.92
7.	A.B. Dayra	Kheda	30.11.92
8.	R.B. Patel	"	30.11.92
9.	M.B. Patel	Nadiad	30.11.92
10.	A.C. Patel	"	30.11.92
11.	A.B. Patel	Kheda	30.11.92
12.	P.G. Patel	Nadiad	30.11.92
13.	K.F. Patel	"	30.11.92
14.	B.C. Makdani	Dakor	30.11.92
15.	A.M. Patel	Thasra	30.11.92
16.	M.M. Patel	Nadiad	30.11.92
17.	A.M. Patel	Kheda	30.11.92
18.	B.M. Patel	Nadiad	30.11.92
19.	A.B. Tiwari	"	30.11.92
20.	R.D. Zala	Kapadwanj	11.12.92
21.	A.M. Patel	"	11.12.92
22.	K.N. Patel	Kathlal	11.12.92
23.	B.M. Patel	Nadiad	16.12.92
24.	B.K. Baria	"	16.12.92
25.	M.B. Patel	"	16.12.92

\*\*\*\*\*

1. The first part of the document is a letter from the Secretary of the Board of Directors to the Board of Directors, dated 1910.