

M. Bhagabati Rao - - - - - Applicant
-vs-
U.O. 2 and others 8 - - - - - Respondents
-1-

O.A.NO. 556 OF 2004

ORDER DATED: 9.12.05

This O.A. has been filed by Shri M. Bhagabati Rao claiming that his father late Adinarayan while working as Chawkidar under IOW, South Eastern Railway, Khurda Road retired on medical decategorization with effect from 30.1.85. Before his retirement on medical ground, he had served the Department both as casual and regular for thirty years. The applicant after the death of his father on 5.6.89, had worked for 312 days as casual worker but could not continue due to his ill health and during the period of his absence, he was struck off roll. Since then, he has been representing before the authorities to provide him appointment in Group 'D' against casual service quota. In support of his claim, he has filed a copy of his representation dated 8.10.95 at Annexure-A/2. He has further submitted that although he was sent for medical examination (Annexure-A/5) and from time to time the Respondents had called for document from him and also sought clarification about his father's name etc. (Annexure-A/3 and Annexure-A/4), but he was not offered any employment under compassionate scheme.

2. Per contra, the Respondents have opposed the application being not only barred by time but also being based on fictitious documents and misleading claims. They have categorically stated that the Annexures A/3 and A/4 are neither authentic nor genuine. Further, by not impleading the necessary parties like CPO, South Eastern Railways, Garden Reach, the applicant has sought to keep things under the carpet. They have also

submitted that the Annexure-A/5 filed by the applicant is also a false claim as the genuineness of the document is at stake and the applicant has not impleaded the necessary party to sustain his claim. For all these reasons that the application is full of contradictory statements and full of facts which have no relation with regard to his claim to have worked under Assistant Engineer (Con.), South Eastern Railway, Rayagada, this application deserves to be dismissed at the threshold.

3. I have heard the Ld. Counsel for both the parties and have perused the records placed before me.

4. The Ld. Counsel for the applicant was repeatedly asked by me to prove the veracity of the documents which have been challenged by the Respondents. The Ld. Counsel for the Respondents have drawn my notice to the apparent irregularities noticed in the letter at Annexure-A/3, A/5 and also by comparing the text of his representation dated 8.10.95 with the text of the letters under Annexures A/3 and A/4 have explained why those communications can hardly be relied upon as genuine official correspondence. I agree with his argument that the applicant by not impleading the necessary parties have closed all doors to find out whether any such letters were ever issued by the office of Chief Personnel Officer, Garden Reach. His application is also full of factual contradiction/inaccuracies inasmuch as the applicant's claim that his father was decategorized for which he was retired; on the other hand, the Respondents in their counter have disclosed, and I have also perused the Pension Payment Order book of the applicant wherein it is found that the applicant's father had retired on superannuation. Whereas, I am not disinclined to overlook the

✓

10
- 3 -

factual error regarding cause of retirement of his father because the applicant is not highly educated, but I can hardly overlook the allegation brought in the counter by the Respondents with regard to the genuineness of the documents placed at Annexures-A/3, A/4 and A/5. The Ld. Counsel for the Respondents has also submitted before me that whereas this application has been made in most frivolous manner, still the Respondents had to pay cost of Rs. 1000/- for the delay in filing the counter reply. Hence, the conduct of the applicant should not go un-noticed.

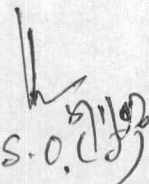
5. Having regard to the submissions made by the Respondents with regard to the documents filed by the applicant and the Ld. Counsel for the applicant having not been able to come clean in the matter, I have no hesitation to impose cost of Rs. 100/-(one hundred only) on the applicant for trying to mislead the Court in the way he has done. He shall pay the cost within the period of 60 days from the date of issue of this order.

6. With the above orders, this O.A. is dismissed.

Order dt. 9.12.05

Copy of Order
may be given to both
the Counsels.


VICE-CHAIRMAN


S.O. (S)


5.1.06