

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 18 APR 1994

APPLICATION NUMBER: 690 of 1993.

APPLICANTS:

Sri.Thimma v/s.
To.

RESPONDENTS:

The Asstt. Director & Incharge Officer,
Military Farm, Bangalore and Other.

1. Sri.P.T.Sreenivasa Reddy, Advocate, No.112, Upstairs,
Cubbonpet Main Road, Bangalore-560 002.
2. The Assistant Director & Officer-in-Charge,
Military Farm, Hebbal, Bangalore-560 024.
3. Sri.M.S.Padmarajaiah, Senior Central Govt.
Stng.Counsel, High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 04-04-1994.

Issued on
18/4/94

R.

gm*

Received the copy of the
order on 18/4/94.
Subscribed
Adv. for signature
18/4/94.

e/c

S. Shanmugam
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 690 OF 1993

MONDAY THIS THE 4TH DAY OF APRIL, 1994.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.
Mr. T.V. Ramanan, ... Member(A)

Thimma,
S/o Junjappa, Aged 31 years,
Shivashankara Block,
2nd Main, Hebbal,
Bangalore-24.

.. Applicant.

(By Advocate Shri P.T. Sreenivasa Reddy)

v.

1. Assistant Director & Officer-in-charge,
Military Farm, Hebbal,
Bangalore-24.

2. Deputy Director of Military Farm,
Head Quarters, Southern Command, Kirkee,
Pune, Maharashtra.

.. Respondents.

(By Standing Counsel Shri M.S. Padmarajaiah)

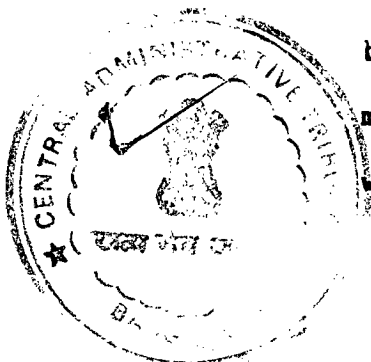
O R D E R

Hon'ble Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

We have heard Shri P.T. Srinivasa Reddy, learned counsel for the applicant and Shri M.S. Padmarajaiah, learned Standing Counsel.

Admit.

The applicant was a casual worker in a Military Farm manned by the Assistant Director, respondent-1 and headed by the Deputy Director, respondent-2. Although he would in the normal course become eligible for temporary status, because of his uncomplimentary antecedents to be specious in character, such a status was not accorded to him. Respondents have even listed out



countervailing facts on the basis of which they have felt constrained to prevent his further continuance in the department either on casual basis or on temporary basis. Annexure-R7 is the order made by respondent-2 which reads -

"APPEAL AGAINST TERMINATION OF SERVICE WITH REQUEST TO RE-INSTATE INTO SERVICE."

1. Reference your representation dated 08 May, 1993.
2. You had made the Officer In-charge, Military Farm Bangalore as the first respondent and DMF HQ Southern Command as Second respondent as per your original application bearing No.20/92 filed in the CAT Bangalore. Therefore, you should have made your representation either to OIC MF Bangalore with a copy to this HQ or it should have been routed to this HQ through OIC MF, Bangalore for expeditious disposal as directed by the CAT Bangalore.
3. However, your representation has been examined based on the facts ascertained from OIC MF, Bangalore who is the first respondent in the above case and it is regretted to inform you that you have been found unfit for Government Service due to following:-
 - (a) Adverse report by police authorities.
 - (b) Overage at the time of initial appointment.
 - (c) Forgery of documents to manipulate your date of birth.
4. In view of the above you cannot be offered casual employment in Mil Farm, Bangalore."

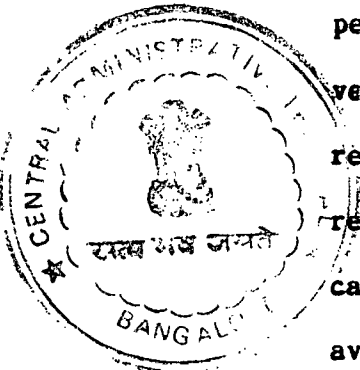
Learned Counsel Shri Reddy despite being confronted with Annexure-R7 tells us that the contents thereof have been contrived to strike at the applicant's right for re-employment and therefore, it should be ignored. We do not see why we should do that. The police authorities who investigated the complaints against the applicant had made an unbiased report against the applicant. Admittedly, the applicant has given two dates of birth one of 6-8-1954 and the other of 17-2-1959, both of them rest on statements made by the applicant himself. Neither statements are found backed by any material that would enable ascertainment of his actual date of birth. No birth extract and

no horoscope is produced. He has not taken a decree from a civil Court certifying his date of birth either as 6-8-1954 or as 17-2-1959. In the circumstances, the authorities were fully justified in not granting him the temporary status. We do not think we can interfere in this matter. We, therefore, dismiss this application. No costs.

By order dated 10-2-1994 we had directed the department to explain the delay in not complying with our direction in not disposing off the applicant's representation within the stipulated time. A statement is now filed by the respondents explaining the reasons thereof. Though we cannot say we are convinced by that statement, we think this is not a fit matter for continuance of any further inquiry into the matter of non-compliance of our order within the dead line set therefor. The reprove in this case should not however be understood by the department that they can treat the directions of the Tribunal lightly. They may know that on the next occasion if there is such a lapse it will not go without serious notice being taken.

Even after the disposal of this application Sri Reddy persistently submitted that subsequently the police have become very kindly towards the applicant and have furnished a fresh report certifying his character. We do not like to say anything regarding the same. If such a report helps the applicant, he can approach the departmental authorities in seeking out a fresh avenue of service.

TRUE COPY


SECTION OFFICER 18/4
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL JUDGE
BANGALORE

Sd-

MEMBER(A)


VICE-CHAIRMAN.