

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

(3)

D.A. No. 526 of 1987.

T.R. No.

DATE OF DECISION 13-12-89.

Petitioner

Advocate for the
Petitioner(s)

Versus

Respondent

Advocate for the
Respondent(s)

CORAM

The Hon'ble Mr. D.SURYA RAO : MEMBER (J) (I)

The Hon'ble Mr. R.BALA SUBRAMANIAN : MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice-Chairman on columns 1,2,4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

NO

DSR
HM(J)

RBS
HM(A)

RD

(S)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :.HYDERABAD
BENCH : AT HYDERABAD

O.A.No.526/87.

Date of Judgment:13-12-89.

Battula Ram Babu

...Applicant

Versus

The General Manager,
South Central Railway, Rail Nilayam,
Secunderabad & 2 others.

...Respondents

Counsel for the Applicant : M/s A.Suryanarayana Murthy
D.Srinivas
P.V.C.Rama Mohan Rao
C.Ramachandra Rao

Counsel for the Respondents : Shri P.Venkatarama Reddy, S.c. for
RAILWAYS

CORAM:

HONOURABLE SHRI D.SURYA RAO : MEMBER (J) (I)

HONOURABLE SHRI R.BALA SUBRAMANIAN : MEMBER (A)

(Judgment of the Bench dictated by Hon'ble
Shri D.Surya Rao, Member (J)).

The applicant herein had applied for a Class-IV post in the Guntupally Wagon Workshop, South Central Railway, Mylavaram Taluk, Krishna District. Earlier there to, he had filed T.A.No.677/86 stating that his Father's land had been acquired for the construction of the Railway Wagon Workshop and that he should have been offered an appointment under the land losers quota. T.A.No.677 of 1986 was allowed with a direction to respondents to appoint the applicants after seeing their fitness. Subsequently Review Petition No.2/87

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BS

filed by the Railways was dismissed. The applicant states that consequent to the directions of the Tribunal in T.A.No.677 of 1986 and the rejection of the Review Petition No.2 of 1987, he is entitled to an appointment and should have been given a Class-IV job. Since it has not been done by the authorities he seeks a direction that he should be appointed immediately by implementing the order in T.A.

2. A counter has been filed by the respondents stating that the case of the applicant has been taken into consideration as per the directions in the Transfer Application and therejection of the Review Petition. It was decided by the authorities not to disqualify the applicant on the ground that he holds the land in excess of the limit prescribed. However, the real objection for offering job to the applicant is that the Transfer Certificate produced by him to establish that he has minimum educationalqualification, namely VIII standard, is found to be bogus. It is further stated that the matter was referred to the Head Master of the S.K.P.V.V.Hindu High School, Gandhinagar, Vijayawada from whom the applicant had procured the certificate and that the Head Master of the school had on 9-9-87 certified that the transfer Certificate bearing No.5924 with admission No.9295 issued in favour of the applicant was not issued by the School. and he was not a bonafide student of the school. The respondents further contended that the applicant had

(56)

tried to practise a fraud on the Railways by producing a false certificate in order to procure the job. Applicant has not filed any reply denying the facts stated in the counter nor had he furnished any better particulars in regard to the certificate issued by the Head Master of the School to the Railway Administration to establish that the Transfer Certificate produced by him is not bogus.

3. In a reply affidavit filed by the applicant, all that is stated is that for appointment to the post of Sweeper the rules do not require that he should have 8th class education qualification. The applicant states that the only requirement is an ability to read and write. It is further stated in the reply affidavit that a decision was taken behind his back and the authorities have come to a conclusion without enquiry. Along with the reply affidavit a xerox copy of the certificate issued by Nagarjuna Vidhya Niketan, Kondapally is filed to the effect that the applicant had studied 8th class and was promoted to 9th class at the end of the academic year 1981-82. This is filed subsequent to the allegation made in the counter of the respondents. The filing of this certificate clearly establishes that the earlier certificate produced by the applicant and alleged to have been issued by the S.K.P.V. V.Hindu High School, Gandhinagar, Vijayawada wherein it is stated that the applicant had been promoted to the

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9th class in the year 1977 is clearly a bogus certificate. It is clear that the applicant has tried to obtain the appointment by mis-representation and fraud, and it is clear that the applicant has not come with clean hands. Courts are not intended to come to the aid of parties who seek to practise fraud in their dealings with public authorities. No valid reasons have been made out which calls for intervention or directions by this Tribunal. In the circumstances the application is dismissed, but without costs.

D. Surya Rao
(D. SURYA RAO)
Member (J)

R. Balasubramanian
(R. BALA SUBRAMANIAN)
Member (A)

Dt. 13th December, 1989.
Dictated in Open Court.

S. Venkateswaran
DEPUTY REGISTRAR (J)

To

AVL.

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
3. The Deputy Chief Mechanical Engineer, Guntupally Wagon Workshop, South Central Railway, Mylavaram Taluk, Krishna District.
4. One copy to Mr. A. Suryanarayana, Advocate, H. No. 11-9-295/27C/1, Vidyanager, Hyderabad-500044.
5. One copy to Mr. P. V. Reddy, SC for Railways, CAT, Hyderabad.
6. One spare copy.

15/12

14/12/89