

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

26

O.A. No. 191/93

Dt. of Decision : 18-6-93.

T.A. No.

Golla Koteswaramma,

Petitioner

Sri P.R. Ramana Rao,

Advocate for
the petitioner
(s)

Versus

The Divisional Officer Engineering (A), Respondent.
Office of the Dy. General Manager, Telecom,

Vijayawada-520 050 & 2 others

Sri N.R. Devraj,

Advocate for
the Respondent
(s)

CORAM

THE HON'BLE MR. A.S. GORTHI : MEMBER (A)

THE HON'BLE MR. T.C. CHANDRASEKHAR REDDY : MEMBER (J)

1. Whether Reporters of local papers may
be allowed to see the judgement?

2. To be referred to the Reporters or not?

3. Whether their Lordships wish to see
the fair copy of the Judgement?

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.)

ns

T.C.R
(HTCSR)
M(J)

J
(HABG)
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA 191/90.

Dt. of Order: 18-6-93.

97

Golla Koteswaramma

....Applicant

Vs.

1. The Divisional Officer Engineering (Administration), Office of the Dy. General Manager, Telecom, Vijayawada-520 050.
2. The Divisional Engineer (Admn), Office of the Telecom District Manager, Vijayawada-520 050.
3. The Assistant Engineer, Phones (I/E), Vijayawada-520 007.

....Respondents

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Counsel for the Applicant : Shri P.R. Ramana Rao

Counsel for the Respondents : Shri N.R. Devraj, Sr. CGSC

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CORAM:

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

(Order of the Divn. Bench delivered by Hon'ble Sri A.B.Gorthi, Member (A)).

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The applicant who was appointed in 1970 as a part time Sweeper-cum-Water woman in the Telephone Exchange at Industrial Estate, Vijayawada, is aggrieved by the order dt. 31-1-90 terminating her services with effect from 1-2-90.

2. The applicant is an illiterate woman and had worked with the Respondents for about 17 years. In the year 1987 the Respondents, perhaps with a view to screen

such part time employees for regular ~~absorption~~, called for details of educational qualifications from the candidates.

In response thereto the applicant furnished a Transfer Certificate

issued by the Headmaster of Zilla Parishad High School,

Panumolu. As per the said certificate the applicant was studying in 6th Class when she was transferred from the said school. On verification by the Respondents the said Transfer Certificate was found to be a fabricated and false one.

3. The Respondents therefore served a show cause notice ~~to~~ ^{on} the applicant on 5-8-89. In her response to the notice, the applicant pleaded for mercy on the ground that she was an illiterate woman and that she had rendered satisfactory service with the Respondents for a long period of 19 years. After considering her reply and examining all the facts, the Respondents issued the termination order.

3. Sri P.R.Ramana Rao, learned counsel for the applicant challenged the validity of the termination order on three grounds. Firstly he contended that a regular departmental enquiry should have been held into the alleged misconduct of the applicant. His second contention was that no specified educational qualifications was required for continuation in the appointment of part-time ~~Sweeper-cum-water~~ women. Lastly he contends that the termination of service was a harsh penalty imposed upon her.

4. Sri N.R.Devraj, learned counsel for the Respondents refuted all the contentions raised on behalf of the applicant.

As the applicant herself categorically admitted her mistake there was no requirement of holding a regular Departmental Enquiry. The applicant was neither a regular employee nor a Temporary Servant. She was merely a part-time Sweeper-cum-Water woman working on casual basis. As regards the requirement of minimum educational qualifications Sri Devraj admits that there was no such requirement but the issue involved in this case is mis-conduct of the applicant in furnishing a fabricated and false certificate when her case was to be considered for regularisation. As regards the ~~—ded that it was~~ punishment, ~~he contented~~ not a punishment but only a removal from service on account of mis-conduct.

5. Admittedly the applicant did furnish ~~a~~ a false certificate for the purpose of securing regularisation of her employment as a Mazdoor. The Respondents therefore cannot be faulted for issuing ^a show cause notice to her. The applicant was given adequate opportunity ~~to~~ to meet the points raised in the show cause notice and she had given detailed reply. In the reply she admitted her guilt without reservation. In these circumstances the action of the Respondents in removing her from ~~a~~ the post of ^a part-time sweeper cum water woman is sufficiently in order.

6. Before we part with the case we must observe that the applicant joined service in 1970 and rendered ~~an otherwise unblamished~~

service with the Respondents for a period of almost 19 years. She is an illiterate woman and it is likely that she was misguided in submitting the false certificate with regard to her educational qualification. For a single lapse of this nature, though blameworthy, the respondents could have taken a more lenient or sympathetic view. However it is entirely for them to consider this aspect of the case. The applicant if she is still desirous of serving with the Respondents, may submit a representation to the General Manager, Telecom District, Vijayawada, who may consider the same and take a sympathetic decision on humanitarian grounds. The application is disposed of with no order as to costs.

T. C. Chandrasekhar Reddy
(T. C. CHANDRASEKHAR REDDY)
Member (J)

A. B. Gorthi
(A. B. GORTHI)
Member (A)

Dated: 18th June, 1993.
Dictated in Open Court.

830/653
Deputy Registrar (J)

The Divisional Officer Engineering (Admn)
O/o Dy. General Manager, Telecom, Vijayawada-050.
Divisional Engineer (Admn)
to the Telecom District Manager, Vijayawada-050.
Assistant Engineer, Phones (I/E) Vijayawada-7.
to Mr. P. R. Rama Rao, Advocate, 16-2-740/38
agar, Gaddiannaram, Hyderabad.
to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyd
to Library, CAT, Hyd.
One copy.

TYPED BY *8/5* COMPARED BY
CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND *A. B. Grover*
THE HON'BLE MR. K. BALASUBRAMANIAN
MEMBER (ADMN)

AND
THE HON'BLE MR. T. CHANDRASEKHAR
REDDY : MEMBER (JUL)

DATED: 18-6-1993

~~ORDE~~ JUDGMENT

R.P./ C.P/M.A. No.

in

O.A. No.

191/93

T.A. No.

(W.P. No)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

