

(3745)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 1529/93.

Dt. of Decision : 13.7.94.

1. P. Gangi Reddy
2. P. Obulu Reddy

.. Applicants.

vs

1. Divisional Railway Manager,
Southern Central Railway,
Guntakal.
2. Divisional Engineer (Co-ordination)
SCRly, Guntakal.
3. Sr. Divisional Personnel Officer,
SC Rly, Guntakal. .. Respondents.

Counsel for the Applicants : Mr. P. Krishna Reddy

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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25/7/94

OA 1529/93.

Dt. of Order: 13-7-94.

(Order of the Divn. Bench passed by Hon'ble
Sri A.V.Haridasan, Member (J)).

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With a view to give opportunity for re-engagement for Casual Labourers who had worked prior to 1-1-81 and thereafter discharged, the Railway Administration gave an opportunity to such persons to approach them with the relevant material to prove their engagement. In response to this, the applicants 1 and 2 produced Casual Labour Cards and on the basis of the said Cards, they were included in the Supplementary Live Register. Thereafter, an investigation made by the Vigilance Branch of the South Central Railway brought out, that there has been some foul play in producing Casual Labour Cards which are forged ones and the Cards produced by the applicants 1 and 2 were also considered by the Railways as forged ones. It was also noticed by the investigating branch that in the LTI Register Sl.No.159 and 162 were erased and the names of the applicants have been inserted. In view of this, the Railway Administration removed the names of the applicants from the panel. Aggrieved by that, the applicants have filed O.A.904/89 before this Tribunal

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which was disposed of with a direction that the Respondents would re-examine the doubtful documents giving notice to the applicants and in their presence and if on such re-examination it be found that the documents were genuine ones their names should be continued in the Live Register and if not they may be removed. In response to this direction it appears that a Committee consisting of three officers with notice to the applicants examined the LTI Register. On being satisfied that the document was forged, the committee did not order inclusion of their names in the panel. Aggrieved by this, the applicants have filed this application praying that the applicants' names may be included in the panel and to issue appointment orders with consequential benefits of seniority etc.,.

2. The Respondents in their counter have contended that the LTI Register and the Casual Labour Cards in question were re-examined in the presence of the applicants, that the suspicious entries against Sl.No.159 and 162 in the LTI Register were got examined by the examiner of Questioned Documents and that on a careful scrutiny of the documents and the report of the Examiner in the presence of the applicants to their satisfaction it was revealed beyond any shadow of doubt that the entries against Sl.No.159 and 162 were made after erasing earlier genuine entries and the applicants did not have a bonafide claim for inclusion of their names in the panel. The learned counsel for the Respondents produced for our perusal the entire file containing the disputed documents, the report of

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Copy to:

1. The Divisional Railway Manager,
South Central Railway,
Guntakal.
2. The Divisional Engineer (Co.ordination)
South Central Railway,
Guntakal.
3. The Senior Divisional Personnel Officer,
South Central Railway,
Guntakal.
4. One copy to Mr.P.Krishna Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr. CGSC,CAT; Hyderabad
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

- YLKR
S M Preep
R M Devraj

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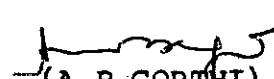
the examiner, the photographs taken by him as also the decision taken by the Committee. We have gone through the pleadings, the file made available by the counsel for the Respondents as also the other materials. We have heard the arguments of the learned counsel for both parties also.

3. The short question that has to be answered is whether the entries in LTI Register pertaining to applicants at Sl.No.159 and 162 are genuine or whether they are fabricated? A mere look by naked eye is sufficient to bring home the fact that the entries in respect of Sl.No.159 and 162 in the LTI Register are not genuine ones. The report of the examiner of Questioned Documents, on the basis of examination photographs clearly shows that the relevant entries in the register were made after erasing the original entries there. Hence the decision of the Committee basing on the report is found to be correct. Therefore we have no doubt in our mind about the fact that the claims of the applicants that they had rendered Casual Service earlier was based solely on the concocted entries in the LTI Register and that they have no bonafide claim for inclusion of their names in the panel.

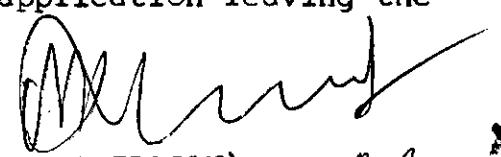
4. In the light of what is stated above, finding no merit in the application, we dismiss the application leaving the parties to bear their own costs.

U.M.P.
P.D.

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(A.B.GORTHI)
Member (A)

(Dictated in Open Court)


(A.V. HARIDASAN)
Member (J)


Deputy Registrar (J)

Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN: MEMBER(J)

AND

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

Dated: 13-7-94 ✓

ORDER/JUDGMENT. ✓

~~M.R.I.B. 5. / C.P. NO.~~

D.A.NO. 1529/93 in

~~T.A. NO.~~ (W.P. NO.)

Admitted and Interim Directions
Issued.

~~All over.~~

Disposed of with directions.

Dismissed. ✓

~~Dismissed as Withdrawn.~~

~~Dismissed for Def~~

Rejected/Ordered.

No order as to costs.

