

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1629/93

Date of Order : 31.12.93

BETWEEN :

P.M.Eswara Appa Rao

.. Applicant.

A N D

1. The Asst. Engineer (Groups),
O/o D.E. Telecom.,
Anakapalli - 531 001.
2. The Sub-Divisional Officer,
Telecom, Anakapalli - 531 001.
3. The Sub-Divisional Officer - 530 011.
4. The Divisional Engineer, Telecom,
(Mtce), Anakapalli-531 001.

.. Respondents.

Counsel for the Applicant

.. Mr.C.Suryanarayana

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (Judl.)

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The applicant claims that he was initially engaged as Casual Mazdoor on 1.1.84 under the S.D.O. Telecom, Narsipatnam. He continued to work till December 1985 and thus he was employed for a total number of 626 days as per details shown in Annexure A1 to the application. Thereafter he was laid off for a long time. The applicant left his job and was not recalled to work. It was only at the end of July 1993 when he approached the authorities concerned he was reengaged w.e.f. 1.8.93 under Assistant Engineer (Groups) (Respondent.No.1) While he was thus working he was served with the impugned notice dated 4.12.93 stating that his services would be terminated w.e.f. 31.12.93. The reasons shown in the notice are that he was no work and that he had submitted false service certificate. Aggrieved by the same he has filed this application praying for a direction to set aside the impugned notice dated 4.12.93 and to let him continue as a Casual Mazdoor.

2. We have heard learned counsel for both the parties. The main reason which prompted the respondents to issue the impugned notice for termination of service is that the applicant submitted by the applicant with regard to his having worked earlier between 1.1.84 and 31.12.85 is found to be false. Learned counsel for the applicant states that the applicant was engaged on muster roll during the

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period and the respondents could as well verify this aspect to find out the genuineness of the applicant's claim. He also contended that by means of the impugned order dated 4.12.93 the applicant was given one month notice but the ~~said notice~~ says that his services would be terminated from 31.12.93, i.e. even before completion of one month period. The applicant's counsel has also drawn our attention to the fact that ~~to~~ the work certificate given for the period from 1.1.84 to 31.12.85 by the A.E. (Groups). He therefore contends that the applicant was reengaged under the orders of the AE Groups and therefore the S.D.O. who issued the impugned notice is not the competent authority to issue the said

3. Mr.N.R.Devraj, Standing Counsel for the respondents states that as the authorities concerned came to the conclusion that the work certificate rendered by the applicant was not correct they were justified in issuing the impugned termination notice.

4. The main question for determination in this case is whether the work certificate produced by the applicant with regard to his having worked under the S.D.O. Narsipatnam during the period 1.1.84 to 31.12.85 is genuine or false. If it is a false document the applicant cannot have any right to claim his continued reengagement.

This is a matter however for proper examination by the

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5. Mr.N.R.Devraj, Standing Counsel for the respondents has brought to our notice that the applicant rushed to the Tribunal without first approaching the competent administrative authority for redressal of his grievance.

6. In view of the afore-stated it will be appropriate if the applicant submits a representation to the Divisional Engineer, Telecom (Maintenance) Anakapalli requesting the ^Clater to give him an opportunity to establish his claim that he had worked under S.D.O., Narsipatnam during 1984-85. On receipt of the representation Respondent No.4 shall inquire into the matter within a period of 2 months with a view to ascertain whether the work certificate rendered by the applicant at the time of his reengagement was fake or genuine. If the certificate is found to be genuine, it is needless for us to state that he will be reengaged, provided there is work.

7. The application is disposed of in the above terms at the stage of admission itself. There shall be no order as to costs.

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)

A.B.Gorthi
(A.B.GORTHY)

Dated: 31st December, 1993

(Dictated in Open Court)

To

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1. The Asst.Engineer(Groups), O/o D.E.Telecom, Anakapalli-1.
2. The Sub-Divisional Officer, Telecom, Anakapalli-1.
4. The Divisional Engineer, Telecom, (Office) Anakapalli-1.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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P.V.M.

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

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

AND

THE HON'BLE MR. T. CHANDRA : MEMBER(J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 31-12-1993

~~ORDER~~/JUDGMENT:

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

O.A.No.

in

1629/93.

T.A.No.

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

No order as to costs.

pvm

