

(H9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 296/93.

Dt. of Order: 11-11-93.

R.Chandraiah

...Applicant

Vs.

1. The General Manager,
Ordnance Factory Project,
Yeddumailaram,
Medak District.

...Respondent

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Counsel for the Applicant : Shri V.Jagapathi

Counsel for the Respondents : Shri N.V.Ramana, Addl.CGSC

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CORAM:

THE HON'BLE SHRI JUSTICE V.NEELAORI RAO : VICE-CHAIRMAN

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

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....2.

I AS PER SHRI A. B. GORTHY, MEMBER (ADMINISTRATIVE)

Judgement dated 11-11-93.

Heard Shri V. Jagapathi, learned counsel for the applicant and Shri N. Ramana, learned standing counsel for the respondents.

Aggrieved by the respondent's refusal to consider his case for appointment as labourer (unskilled) in the category of land displaced persons, the applicant has filed this application requesting for a direction to the respondents to give effect to the offer of appointment made by them vide their letter dated 30-4-92, with all consequential benefits. The land applicant states that his land in Survey No. 106/2/C situated in Fathepur village, Ranga Reddy district was acquired by the Land Acquisition Officer, Hyderabad for the purpose of Railway siding for the Ordnance Factory Project, Yeddumailaram, Medak district. As per the extant instructions governing the subject, he was not only to be given adequate compensation but also the displaced person/his son has to be offered a suitable appointment in the ordnance factory project. The applicant's name was duly sponsored by the Employment Exchange for employment as a displaced person. The same was considered by the respondents and he was offered appointment as labourer (unskilled) in the pay scale of Rs.750/-940/-. The applicant was asked to furnish all the supporting documents on the date when he was called for the interview. The interview was held on 6-4-92 and thereafter vide his memo. No. 09236/Admin/OFFPM/92 dated 20-4-92 the applicant was asked to complete 3 sets of attestation forms and send them, to the respondents. The applicant did the needful and thereafter although he was offered appointment as

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a labourer vide memo. No.09236/Admn/OFP/92 dated 30-4-92 he was actually not given any appointment as such. When he represented against the same, he was informed that the ~~date~~^{date} of birth of the applicant was wrongly ~~declared~~^{noted} in the attestation form as 30-12-63 and accordingly the offer of appointment given to him was cancelled.

In their brief reply affidavit, the respondents have stated that the applicant's case for appointment was under consideration and he was offered the appointment. On verification of the Attestation forms submitted by the applicant, it was found that he declared his date of birth as 30-12-63. The son of the applicant happens to be in the employment of the respondents. From his service records, the respondents found out that the date of birth of the son recorded therein is 15-6-1970. Consequently, the respondents concluded that the date of birth furnished by the applicant is not true. The matter was referred to the school authorities who could not, however, furnish any cogent reply as the relevant records are mis-placed and not traceable. The further contention of the respondents is that the Police verification reports of the applicant indicated that he was involved in ^a criminal case under Section 324 IPC, which fact was not mentioned by the applicant in the attestation forms. On the other hand, he replied in the negative, to the question at para 12-^{which is} (1) (I) to the effect 'whether any case is pending against the applicant in any court of law at that time of filling up of the attestation forms.

~~We heard the counsel for both the parties.~~
~~On behalf of the applicant,~~ The learned counsel for the applicant has contended that firstly there is no age limit laid down for the appointment as labourer (unskilled). He has also pointed out that there is no educational qualification specified for the said post.

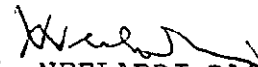
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(62)

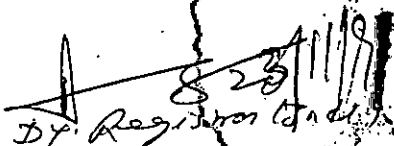
As regards the criminal case pending, he stated that subsequently, the applicant was acquitted and therefore, ~~he~~ cannot be said to be not suitable for employment under the respondents. In these circumstances, he contends that the respondents could⁰ consider the case of the applicant, more so when the applicant ^{is} was not literate enough to know what all was filled up in the Attestation form.

The undisputed facts in this case are that the applicants date of birth was not 30-12-63 as stated by him in the Attestation form that that there was ^a criminal case against him at that time when he submitted the Attestation form on 24-4-92. It is thus apparent that on two ~~important~~ aspects, the applicant made false statements in the Attestation forms. Even though there may not be any age limit ^{by} in appointment as labourer in case of land displaced persons, the fact remains that the date of birth is an important factor which governs certain other ~~service~~ benefits like date of superannuation. In any case, the respondents, having come to know that the applicant made false statements in an important document like Attestation form, ~~they~~ were justified in not proceeding further on the offer of appointment made to the applicant. In view of the aforesaid, we find that there is no irregularity or illegality on the part of the respondents ⁱⁿ ~~action~~ ^{giving} not to ~~give~~ ^{land} appointment to the applicant in the quota of displaced persons. The OA is, therefore, dismissed with no order as to costs.


(A.B. GORTHI)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

(Open court judgement)
Dated 11-11-93.


Dy. Registrar

Cmt-...57-

O.A. 296/93

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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. CHANDRASEKHAR REDDY
MEMBER (J)

AND

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

Dated: 11/11/1993

ORDER/JUDGMENT:

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

O.A.No. ~~in~~ 296/93

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs

