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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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O.A.No.1209/1994.

Date: 29--4--1997.

Between:

Chalapaka Krishna. .. Applicant.

and

1. The Collector,
(Customs & Central Excise),
New Custom House, Port Area,
Visakhapatnam -35.
2. The District Employment Officer
(Technical) Maharanipet, Near American
Hospital, Visakhapatnam. Respondents.

Counsel for the Applicant: Sri J.Venugopala Rao.

Counsel for the Respondents: Sri Rajeswara Rao for official
Respondents No.1.

for Sri P. Naveen Rao
Sri Phaniraj, for the 2nd respondent

CORAM:

HON'BLE SHRI R. RANGARAJAN, Member (A)

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (J)

JUDGMENT.

(as per Hon'ble Shri R. Rangarajan, Member(A)

None for the applicant. Sri Rajeswara Rao for
the Respondent No.1 and Sri Phaniraj for the 2nd respondent.

The applicant registered his name in the District
Employment Exchange, Visakhapatnam under Registration
No. C.R.5777/8/NCO/X02-90, S/c on 24-9-1991 for sponsoring
his candidature whenever a Notification was issued ~~for~~^{XX}
for consideration for appointment in any Department. The
Respondent No.1 had issued requisition to the Employment

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Exchange, Visakhapatnam for filling up the posts of Sepoy/Messenger etc. It is stated by the applicant that his name was sponsored by the District Employment Exchange, Visakhapatnam. However, the applicant submits, that in the Interview another person ~~by~~ ~~xxxx~~ impersonated the applicant and got himself appointed against that post. He submits that the impersonation by another Ch. Krishna had prejudiced his case for appointment.

This O.A., is filed praying for a direction to the 1st Respondent to consider that the applicant is the real person whom they selected for the post of Sepoy in the year 1992 and give the posting to the applicant in the vacancy caused by the resignation of the impersonated person as "Sepoy" in the Department as the applicant is the real person ^{and he was} selected ~~the~~ for the said post.

An interim order was passed in this O.A., on 20-10-1994 which reads as follows:

"Notice before admission. If in the meanwhile steps are being taken to fill up the post of Messenger for which the requisition was given in 1993. The applicant also should be called for interview for considering for the said post even if his name is not going to be sponsored by the Employment Exchange. But if he is selected,

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No order of appointment should be given until further orders."

A reply has been filed in this O.A. The respondents submit that the selected person Ch.Krishna did not impersonate the applicant but he was also a candidate sponsored by the Employment Exchange. As can be seen from the records the date of registration in the Employment Exchange by Ch.Krishna is 28-1-1977; whereas the applicant submits that he had registered his name in the year, 1981. It is also seen that the registration Number of Ch.Krishna sponsored by the Employment Exchange is different from the registration No. of the applicant. The respondents have also stated that the address of the sponsored candidate Ch.Krishna is ~~also~~ different from the address given by the applicant herein. Thus the respondents submit that there is no impersonation and the applicant was not sponsored by the Employment Exchange and the other Ch.Krishna was ~~also~~ duly sponsored by the Employment Exchange and he was appointed on the basis of the selection.

The learned counsel for the applicant submits that his case has been sent to the District Vigilance Enforcement Officer for further verification which also proves his contention. The applicant has not submitted any rejoinder. Merely because the case

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has been sent to the Vigilance Enforcement Officer it does not mean that the case has been proved. If the applicant is equivocal in saying that he has been impersonated, he should have filed a suitable rejoinder to the counter. As he failed to file any rejoinder, we have to go by the counter filed by the respondents. In view of what is stated above, it has to be held that there is force in the contention of the respondents and hence it has to be decided that this O.A., is devoid of merits.


The applicant's counsel, however, submits that Ch. Krishna had resigned the post which itself shows^{ed} that he had impersonated the applicant herein. Mere resignation from the job does not prove the allegation of impersonation made by the applicant against Ch. Krishna unless the applicant proves that the said Ch. Krishna resigned the post because of impersonation and to escape the criminal consequences.


In the result the O.A., has to be dismissed as having no merits. However, the applicant is at liberty to approach the proper judicial Forum in case he is not sponsored by the Employment Exchange for future vacancy, if he is eligible to be sponsored.

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With the above observations, the O.A.,
is dismissed. No costs.



(B.S. JAI PARAMESHWAR)
MEMBER (J)
1949)


(R. RANGARAJAN)
MEMBER (A)

Date: 29--4--1997.

Dictated in open Court.

SSS.


D. R. (J) 13/5/97

SPB
12/6/97

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R. GARGAN : M(A)

AND

THE HON'BLE SHRI S.S. JAI PARAMESHWAR:
M(J)

DATED: 29/4/97

ORDER/JUDGEMENT

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

in
D.A.NO. 1209/94

ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS

YLKR

II COURT

