

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A. 1324/94.

Dt. of Decision : 30-07-97.

P. Satyanarayana

.. Applicant.

Vs

1. The General Manager,  
Krishna District Telecommunications  
Division, Vijayawada-50.
2. The Telecommunications Divl. Manager,  
Vijayawada, Krishna District.
3. The Assistant Engineer (Admn.)  
O/o the General Manager, Telecom,  
Vijayawada, Krishna District.
4. The Sub-Divisional Officer, Telecom,  
LIC Buildings, Machilipatnam, Krishna Dist.

.. Respondents.

Counsel for the applicant : Mr. B. Narayan Reddy

Counsel for the respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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ORDER

None on either side. As this OA was instituted in the year 1994, I thought it fit to dispose it of under Rule-15(1) of the CAT Procedure Rules, 1986.

2. The applicant in this OA was engaged as a Casual Mazdoor w.e.f., 20-08-81. He produced a certificate indicating his educational qualification as 6th Class and his date of birth.

On verification it was found that the birth certificate is a false

his extract of date of birth certificate from Executive Officer, Gram Panchayat on 4-2-93 after a lapse of about 4 years. As the applicant had been discharged in 1989 itself he was not reengaged.

3. This OA is filed praying for a direction to the respondents to regularise his services in the post of Mazdoor w.e.f., the date he was appointed as Mazdoor after reinstating him into service and for a further direction to the respondents to pay regular pay scale with other consequential benefits.

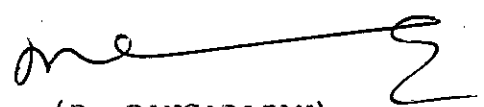
4. The main contention of the applicant in this OA is that he was semi-literate Mazdoor and hence he was not aware of the rules fully. There is no rule stipulat<sup>ing</sup> the educational qualification for the post of Mazdoor. However he submitted the educational qualification certificate without knowing the implication, Even at the direction of the respondents, He had also submitted ~~that~~ the extract of date of birth certificate on 4-2-93. Thus he fulfil<sup>ed</sup> the condition for continuing him as Mazdoor and hence he should be reengaged and his case should also be considered for regularisation.

5. A very short reply has been filed in this OA. The applicant was disengaged on 30-1-89 because of false date of birth certificate. He submitted the extract of the date of birth certificate after 4 years. He has filed this OA after 6 years of his termination. Hence the learned counsel for the respondents submitted that there is

no case for consideration in this OA. They further submit that the applicant has submitted the extract of date of birth certificate to cover up his earlier false date of birth certificate submitted by him. The break in service was about 5 years and no condonation of break in service beyond one year can be given in view of the DoT-No.Lt.No.269-3/92-STN dated 21-10-92. Hence they prayed for dismissal of this OA.

6. The submission of the false certificate is definitely a mistake. The applicant submits that he was semi-literate and hence he was not aware of the implication of submission of such certificate. He has submitted <sup>it</sup> ~~his~~ extract of the date of birth certificate in 1993. Though his absence is more than a year and he approached this Tribunal only after a lapse of 6 years from the date of his termination, I am of the opinion that his case has to be considered sympathetically in view of the fact that he is a poor citizen and deprive him of any posting will cause irreparable loss to him. Under the circumstances I am of the opinion that his case in accordance with the rule may be considered for re-engagement if there is work and there is need to employ the casual labourers under R-4 in preference to freshers from the open market. The applicant cannot ask for regularisation ~~xxxxxxxxxxxx~~ considering the earlier date of engagement in 1981. If in pursuance of the above direction he is re-engaged under R-4 the applicant has to wait for his regularisation in accordance with rules.

7. With the above direction the OA is disposed of. No costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 30th July, 1997.  
(Dictated in the Open Court)

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D.R. (J)

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5/8/97

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

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

DATED: 30/7/97

ORDER/JUDGEMENT

M.A./R.A/C.A.NO.

in

O.A.NO. 1324/94

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

