

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 1027 OF 1994

DATE OF ORDER: 2nd JULY, 1997

BETWEEN:

P.M.E. APPA RAO

.. APPLICANT

AND

1. The Divisional Engineer,
Telecom, Mtce.-5,
Anakapalli 531 001,
2. The Telecom District Manager,
Visakhapatnam 530 020,
3. Union of India represented by the
Chairman, Telecom Commission,
New Delhi 110 001. .. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.C.SURYANARAYANA

COUNSEL FOR THE RESPONDENTS: Mr.N.R.DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

None for the applicant. Heard Mr.W.Satyanaaryana for Mr.N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant in this OA submits that he was a casual labourer engaged in January, 1984 and continued upto December, 1985. On the basis of his earlier engagement, as

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submitted by him, he was reengaged once again as Casual Labourer under R-1 from 1.8.93. But the authorities learnt that he got his reengagement due to the false statement that he was employed earlier in 1984 and 1985. Hence the notice Memo No.2 dated 4.12.93 (Annexure A-3 to the OA) was issued for terminating his services after a period of one month from the date of issue of that notice. Against that termination notice, the applicant filed OA 1629/93 on the file of this Bench. That OA was disposed of by the order dated 31.12.93 with the observation that if it is false document of his engagement, the applicant cannot have any right to claim for reengagement even if there is work with the respondents. However, the applicant was permitted to submit a representation to the Divisional Engineer, Telecom (Maintenance), Anakapalli, requesting him to give him an opportunity to establish his claim that he had worked under the SDOT, Narsipatnam during 1984-85. It is stated that the applicant submitted a representation in this connection as directed in the above referred OA. That representation was disposed of by the impugned order No.X-1/Confd/Cal.Mazdrs./93-94/ANK/38 dated 31.3.94 (Annexure A6 to the OA). His claim of the earlier engagement between January 1984 to December 1985 ^{was} ~~had~~ got verified by the Vigilance Cell of the TDE, Visakhapatnam and found to be false. Therefore, his reinstatement was not acceded to.

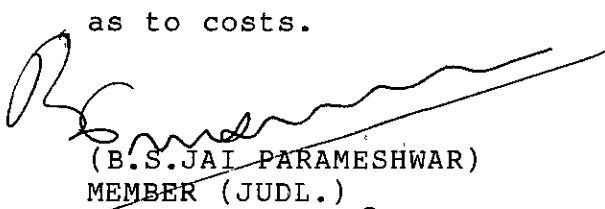
3. This OA is filed to set aside the impugned letter dated 31.3.94, ^{to} ~~and~~ pronounce that the applicant is innocent and ^{to} ~~and~~ consequently reinstate him in service with continuity of service and back wages from the date of his retrenchment besides protecting his seniority for all purposes.

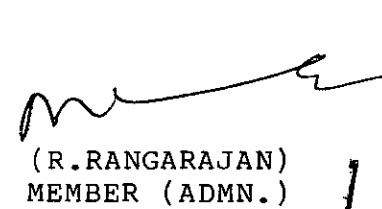


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4. In the reply, it has been categorically stated that after investigation by the Vigilance Cell, the earlier engagement of the applicant during 1984-85 under SDOT, Narasaraopet was found to be false. As the engagement in 1993 was obtained on a false certificate of earlier working in the Department, the respondents discharged him from service following the relevant rules under the I.D.Act. To substantiate their case, they have enclosed the letter of the Accounts Officer (Cash) of the Telecom District Engineer, Vizianagaram. In that letter No.WA/39-I/C.M.P/9294/27 dated 20.11.93 (Annexure R-1 to the reply) it is stated that the applicant was not in service right from 1985 to 1990 as per the issue register. It is also stated that the details given by the applicant in his representation are false and cannot be verified as no such applicant was engaged during 1984-85. The applicant has not filed any rejoinder controverting the submission made in the reply with ^{necessary} a satisfactory document. As the documentary proof existed that the applicant was not engaged during 1984-85 under SDOT, Narasaraopet, the applicant's claim that he had worked earlier cannot be accepted. Hence we do not find any irregularity in issuing the termination notice dated 4.12.93 to the applicant and also rejection of his case after verifying the records by the impugned letter dated 31.3.94.

5. In view of what is stated above, we find no substance in this OA. Hence the OA is dismissed. No order as to costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)


(R.RANGARAJAN)
MEMBER (ADMN.)

21/7/97
DATED:- 2nd July, 1997
Dictated in the open court.

3.4.0

Copy to:

1. The Divisional Engineer, Telecom, Mts., Anakapalli.
2. The Telecom District Manager, Visakhapatnam.
3. The Chairman, Telecom Commission, New Delhi.
4. One copy to Mr.C.Suryamarayana, Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj,Sr.CGBC,CAT,Hyderabad.
6. One copy to Mr.C.G.S. CAT, Hyderabad.
7. One duplicate copy.

YLR

26/7/97
26/7/97



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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: 26/7/97

ORDER/JUDGEMENT

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

in
D.A. NO. 1027/84

Admitted and Discrepancy directions
Issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLR

II Court.

