

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.420/94.

Date: 22--4--1997.

Between:

I. Srinivasa Rao. .. Applicant.

A n d

1. The Collector, Customs & Central  
Excise, New Custom House, Port Area,  
Visakhapatnam -35.
2. The Assistant Collector (P & V)  
O/O Collector of Customs & Central  
Excise, New Customs House,  
3rd Floor, Port Area, Visakhapatnam  
District,
3. The District Employment Exchange,  
Officer, Tecynical, Maharani pet,  
Near American Hospital, Visakha-  
patnam-2.

Respondents.

Counsel for the applicants: Sri J.Verugopala Rao.

Counsel for the Respondents: Sri Rajeswara Rao for Res-  
pondents Nos., 1 and 2.  
None for Respondent No. 3.

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))

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The applicant registered his name in the District  
Employment Exchange, Visakhapatnam under registration  
No. V.2/92/08669 dated 10-8-1992 for sponsoring his  
candidature whenever a Notification was issued for

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for consideration for appointment in any Department.

The Respondent No.1 had issued requisition to the Employment 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, ~~one~~ another person

*By name* A. Sreenivasarao impersonated him and got himself

appointed against that post. He submits that

*another* the impersonation by A. Srinivasarao had prejudiced

his case for appointment. // This O.A., is filed

Praying for a direction to the 1st Respondent to

Consider ~~that~~ *that* the applicant ~~is~~ *is* real person

~~of~~ 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 selected for the said post.

An interim order was passed in this O.A.,

on 8--4--1994. This Interim Order reads as follows:

"Notice before admission. Post on 31-5-1994.

If in the meanwhile steps are going to be

taken to fill up the post of Sepoy for which

requisition was given on 16-1-1993, the applicant

also should be called for interview for consider-

ing for the said post, even if his name is not

*B*

*A*

going to be sponsored by the Employment Exchange.

But if he is selected, 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

I. Srinivasa Rao did not impersonate the applicant but <sup>was also a</sup> ~~he is also a~~ candidate sponsored by the District Employment Exchange. They produced the list of candidates sent by the Employment Exchange.

I. Srinivasa Rao's name figures at Sl.No.20 of the list.

As can be seen from that list, the date of registration in Employment Exchange by

~~of~~ Srinivasa Rao was on 29-1-1977 whereas the applicant submits that he had registered his name in the year 1992.

It is also seen that the registration No. of I.Srinivasarao sponsored by the Employment Exchange is different from

the registration No. of the applicant herein. It is also brought to our notice by the respondents that

Annexure R-2 was duly attested by a Medical Officer .

The address of the sponsored candidate I. Srinivasa Rao is also different from the address given by the applicant herein. Thus the respondents submit that there was

no impersonation and the applicant was not sponsored

by the Employment Exchange and the other I.Srinivasarao <sup>also</sup> was duly sponsored by the Employment Exchange ~~and he~~

and he was ~~not~~ appointed on the basis of the selection.

The learned counsel for the applicant submits that the case has been sent to ~~Director~~ <sup>At</sup> Vigilance Enforcement <sup>which also proves his contention.</sup> officer for further verification. The applicant has not submitted any rejoinder to the counter. because the case has been sent to Merely ~~sending~~ the Vigilance Enforcement Officer, it does not mean that the case has been proved. ~~It~~


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 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 the said I. Srinivasa Rao had resigned the post which itself shows that he ~~was~~ <sup>had</sup> impersonated the applicant herein. Mere resignation from the job does not prove the ~~conclusion~~ <sup>had</sup> allegation of impersonation made by the applicant against I. Srinivasa Rao, unless the applicant proves that the said Srinivasa Rao resigned the post because of impersonation and to escape the criminal consequences.

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In the result the O.A., is 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.

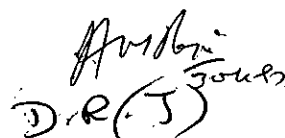
With the above observations, the O.A., is dismissed.. No costs.

  
(B.S. JAI PARAMESHWAR  
MEMBER (J)  
22/4/97)

  
(R. RANGARAJAN)  
MEMBER (A)

Date: 22-4-1997.

Dictated in open Court.

  
D.R. (J)

ssS.

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Copy to:

1. The Controller, and Customs & Central Excise,  
New Custom House, Port Area, Visakhapatnam.
2. The Asst. Controller (P&W), O/O Collector of  
Customs & Central Excise, New Customs House,  
2nd Floor, Port Area, Visakhapatnam District.  
~~XXXXXXXXXXXX~~
3. The District Employment Exchange Officer,  
Technical, Maffranipet, Near American Hospital,  
Visakhapatnam.
4. One copy to Mr. J. Venugopal Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, HYD.
7. One duplicate copy.

*8. one copy to Mr. Venugopal Rao, Secy to Govt.*

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9/6/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 22/4/97

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

in

D.A.No- 420/94

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

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
शेड्यूल/DESPATCH  
19 MAY 1997  
हैदराबाद ब्याचपीठ  
HYDERABAD BENCH