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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, Tecnical, Maharanipet, Near American Hospital, Visakhapatnam-2.

Respondents.

Counsel for the applicants: Sri J.Venugopala Rao.

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

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 ~~name~~ ~~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 ~~that~~ consider ~~that~~ ~~the applicant is~~ ~~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 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 considering for the said post, even if his name is not

*B*

*D*

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 was also a  
he is ~~XXXXXX~~ 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

~~XXXXXX~~ 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 also

Was duly sponsored by the Employment Exchange ~~and he~~

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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 ~~xxxxxx~~ Vigilance Enforcement Officer for further verification. The applicant has not submitted any rejoinder to the counter. because the case has been sent to Merely ~~xxxxxx~~ 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

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~~ impersonated the applicant herein. Mere resignation from the job does not prove the ~~xxxxxxxxxxxx~~ 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 C.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 R. KANGARAJAN  
(B.S.JAI PARAMESHWAR) (R.KANGARAJAN)  
MEMBER (J) MEMBER (A)  
22/4/97

Date: 22-4-1997.

Dictated in open Court.

*Amirtha  
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&V), O/O Collector of Customs & Central Excise, New Customs House, 2nd Floor, Port Area, Visakhapatnam District.
3. The District Employment Exchange Officer, Technical, Maharanipet, 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.

*For one copy to Mr. Venugopal Rao, S. 2nd fl.*

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*self  
at 6/6/97*  
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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDER BAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.G. DAI PARAMESHWAR:  
M(J)

DATED: 22/4/87

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

