

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 613 OF 1995

DATE OF ORDER: - 29th July, 1997

BETWEEN:

G.V.SUBBA RAO

.. APPLICANT

AND

1. The Chief General Manager,
Telecom, A.P.Circle, Hyderabad,
2. The General Manager, Telecom District,
Vijayawada,
3. The Divisional Engineer, Telecom,
Machilipatnam,
4. The Jr. Telecom Officer, Phones,
Chellapalli, Divi taluk,
Krishna District 521 126.

... RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. V.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: Mr.NR DEVARAJ, Sr.CGSC

CORAM:

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

ORDER

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

Heard Mr.Phaniraj for Mr.V.Venkateswara Rao,
learned counsel for the applicant and Mr.N.R.Devaraj,
learned standing counsel for the respondents.

2. The applicant was engaged as a Part-time Sweeper-cum-Watchman with effect from 1.6.81 in the Telephone Exchange in Chellapalli, Krishna District under R-4. The applicant submits that he is illiterate and he is not

having academic qualifications. When his case for regularisation came up, the applicant was asked to submit a certificate in proof of his date of birth and educational qualifications. He was not asked to submit such certificate when he was initially engaged. The applicant submitted a school leaving certificate regarding his date of birth and the educational qualifications for the purpose of regularisation of his services. But that certificate was examined and it was found to be a bogus certificate. Hence the applicant was terminated from services with effect from 4.2.1989.

3. The contention of the applicant in this OA is that he ^{is an} ~~was~~ illiterate employee and hence he is not aware of the contents of the certificate given by him. He further submits that as he was forced to submit the certificate indicating his date of birth, he had no other alternative except to file the School Leaving Certificate as a proof of his date of birth without knowing the implications. He further submits that in terms of the D.G. P&T letter dated 10.10.72, it is not necessary to submit the date of birth certificate and the extract of the date of birth register can be accepted as evidence of age. Accordingly he submits that he submitted the extract of the date of birth entered in the Register of Births at his birth place. He also submitted an affidavit of his mother indicating his date of birth. He submitted that this certificate should have been considered and on that basis his case for regularisation in Group-D post should be determined.

4. The applicant further submits that he was black listed for engagement in regular service on the alleged


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reason that he had submitted a bogus certificate. The applicant contends that he was not informed that he was black listed before issue of the letter black listing him for engaging in service.

5. The applicant submitted a representation to R-3 on 27.3.89 requesting for ignoring submission of the certificate and considering him for regularisation of his services. That was rejected by R-3 by his letter dated 30.11.89. Thereafter he submitted an appeal to R-1 on 19.2.90 followed by another representation dated 18.7.90 and a further reminder dated 18.9.92. But it is stated that all these appeals are pending. But by the impugned order No.E-705/CAT/94-95/16 dated 15.12.94 (Annexure-IX to the OA), R-2 had informed him in response to his representation dated 30.9.94 that his reinstatement in service cannot be accepted as he had produced a bogus date of birth and educational qualification certificate.

6. The applicant submits that in a similar case in OA 191/90, this Tribunal had passed an order for reconsideration of that case and in another case of Shri C.Satyanarayana, Casual Part-time Employee, the Chief General Manager had considered his case and taken him back to duty. In view of the above precedence, the applicant submits that his case also should be considered on those lines.

7. This OA is filed praying for direction to the respondents to consider the case of the applicant for reinstatement into service as a part time Sweeper-cum-



Watchman by setting aside the letter No.E 705/CAT/94-95/16 dated 15.12.94 (Annexure-IX to the OA).

8. A reply has been filed in this OA. The main contention of the respondents is that the applicant cannot be reengaged as he had produced a bogus certificate. The other two cases mentioned by him are not comparable as a decision was taken on the facts of those cases. Hence the respondents submit that this OA is to be dismissed.

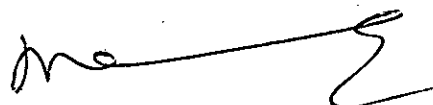
9. It is not understood why the applicant should submit a bogus School Leaving Certificate for indicating his date of birth. He could have easily said that he can produce only the extract of the date of birth and on that basis he can ask the respondents to consider his case for regularisation. Though the applicant submits that he is illiterate and hence submitted that certificate, the reason given is not very satisfactory. The applicant submits that his name has been black listed for reengagement. But no documentary proof has been shown to that effect. Hence this statement is not corroborated by a proper documentary evidence. When the ^{telecom dept} ~~Railways~~ submit, that the case of the casual labour has to be considered on merits, that statement should be treated as ^{a proper} ~~a false~~ statement. The cases of casual labourers varies due to various reasons such as qualification and further details. Hence even if in a similar case the Tribunal had given a favourable order, it is not necessary that such an order should be adhered to in other cases also. But it has to be examined whether those cases are comparable with the facts of this

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case. In any case, I am not interested to compare his case with that of the cases mentioned by him as the facts of those cases are not fully available. In any case, the applicant being a poor employee, his case may have to be considered sympathetically. Just because he had given a false certificate, that should not stand in the way of the applicant for getting reengagement as a casual labourer if there is necessity for engagement of casual labour under R4.

10. In view of the above, I feel that the applicant should also be considered if there is need to engage Sweepers ^{under R-4} in future either full time or part time. If there is need, the case of the applicant should be considered in preference to freshers from the open market.

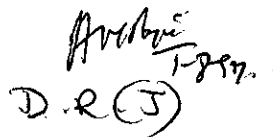
11. With the above directions, the OA is disposed of .
No order as to costs.



(R. RANGARAJAN)
MEMBER (ADMN.)

DATED:-29th-July,-1997
Dictated in the open court.

vsn


D.R.(J)

Copy to :-

1. The Chief General Manager, Telecom, A.P.Circle , Hyderabad.
2. The General Manager, Telecom District, Vijayawada.
3. The Divisional Engineer, Telecom, Machilipatnam .
4. The Junior Telecom, Ph8nes, Chellapalli, Divi Taluk, Krishna , dis
5. One Copy to Mr. V.Venkateswara Rao , Advocate, CAT Hyd.
6. One copy to Mr. N-R. Devaraj, Sr CGSC . CAT . Hyd.
7. One Cop y to The D.R. (A).
8. One Duplic₂te Copy.

Upr

28/8/97
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: 29/7/97

ORDER/JUDGEMENT

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

in

O.A.NO. 613/95

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.

