

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
\*\*\*

C.A. 628/95.

Dt. of Decision : 27-11-97.

G.Venkateswarlu

.. Applicant.

Vs

1. The Union of India rep. by its Secretary, Min. of Communications, New Delhi.
2. The Director of Postal Services, O/o the Post Master General, APSR, Kurnool.
3. The Superintendent RMS, AG Division, Guntakal.
4. The Sub Record Officer, RMS, AG Division, Cuddapah.

.. Respondents.

Counsel for the applicant : Mr. PFB. Vijaya Kumar

Counsel for the respondents : Mr. N.R. Devaraj, SR.CGSC.

CORAM:

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

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

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ORDER

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

Heard Mr.P.B.Vijaya Kumar, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant in this OA was engaged as ED Sweeper-cum-Watchman vide memo No.EDMM/SRO Cuddapah/83-84 dt. 6-9-83 under R-4's office on provisional basis, when the post was newly created. He was continued as such. Some time thereafter he also worked as Substitute EDMM. Later on the same ED post fell vacant in SRO, Cuddapah. As there was some restrictions on recruitment of EDMM and as there was proposal to abolish the posts of non-postal ED Agents, the posts were not filled in. In the year 1992, the then SRM had initiated action to recruit the ED Agent after identifying and abolishing non postal ED Posts. In that process the then SRO had taken the services rendered by the candidates as ED Substitutes under the term 'Casual Labourers' and recruited some of the candidates and the applicant was one <sup>among</sup> of them. However, the above recruitment was reviewed by the DPS and the selection of the candidates was cancelled. In the mean time education certificate submitted by the applicant was examined and the respondents came to the conclusion that these certificates <sup>were</sup> bogus certificates. Inspite of it, the applicant was appointed as EDMM on 18-8-94 in SRO, AG-Division, Cuddapah vide memo No.EDMM/SRP Cuddapah dt. 17-8-94. His posting as EDMM as above was cancelled and it was felt that his continuance in the department is not advisable and hence an opportunity was given to <sup>him to</sup> show cause as to why he should not be removed from service, in SRO, Cuddapah vide memo No.FP/GV/EDMM/SRO Cuddapah dt. 27-4-95. The official ~~xx~~ submitted his reply on 5-5-95 and after taking his representation in to account, his services were terminated by SRO, Cuddapah in his memo No.PF/GV/EDMM/SRO CDP Dt. 6-5-95 (Annexure-I).

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3. This OA is filed for setting aside the impugned memo No. PF/GV/EDMM/ SRO CDP dt. 6-5-95 (Annexure-I) by holding it as arbitrary, illegal, contrary to law and for a consequential direction to the respondents to reinstate the applicant as EDMM with back wages-continuity of service and all attendant and consequential benefits.

4. The sequence of the facts narrated above is also accepted by the respondents in the reply. It is not understood why the applicant having been terminated by the DPS when he was engaged as ED substitute under the term of Casual Labourers was re-engaged once again even though in the mean time his education/qualification certificates were examined. It is a mistake on the part of the respondents to have engaged him as EDMM on 18-8-94 without verifying the facts fully. Hence we feel that the respondents ~~were very careful~~ ~~were careless~~ in their action. But at the same time the applicant cannot be posted back as he is not possessing the requisite qualification obtained through a recognised School. Hence it is also not possible for us to grant him the prayer as asked for in this OA.

5. However, we feel that the applicant was engaged way back in the year 1983 and had worked upto 1995 both as ED Sweeper-cum-Watchman and also in the capacity of EDMM. Hence at this juncture after passage of over 12 years, throwing him out of the job will cause irreparable loss to the applicant. Under these circumstances <sup>a</sup> the solution is to help the applicant. In that view, we feel that the case of the applicant should be considered for re-engaging him as ED Sweeper-cum-Watchman or Part-time Casual Labour Sweeper-cum-Watchman or in any other casual capacity if there is vacancy at present and if there is no vacancy, against the vacancy that may arise in future. In that

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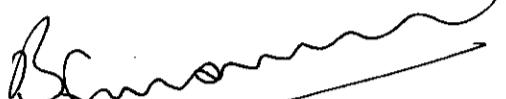
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case he should be given preference over the fresh candidates from the open market if fresh candidates from the open market are considered for engagement against these vacancies.

6. With the above direction, the OA is dispensed of.

No costs.



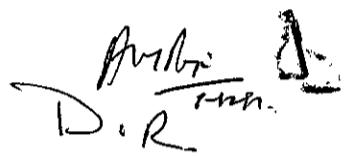
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)

22/11/97



(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 27th Nov. 1997.  
(Dictated in the Open Court)

  
D.R.

spr

OA.628/95

Copy to:-

1. The Secretary, Ministry of Communications, New Delhi.
2. The Director of Postal Services, O/o The Post Master General, A.P.S.R., Kurnool.
3. The Superintendent RMS, AG Division, Guntakal.
4. The Sub Record Officer, RMS, AG Division, Cuddapah.
5. One copy to Mr. P.B. Vijaya Kumar, Advocate, CAT., Hyd.
6. One copy to Mr. N.R. Devaraj, Sr. EGSC., CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate.

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9/12/57

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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: 27/11/97

ORDER/JUDGMENT

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

O.A. NO. 628 / 95 in

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with ~~Directions~~

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

