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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

OA No.1070/1995

Date of Decision: 6.8.1997

BETWEEN:

K. Venkateswara Rao

.. Applicant

AND

1. The Chief General Manager,
Telecommunications, A.P.Circle,
Hyderabad.
2. The General Manager,
Telecom District,
Department of Telecommunications,
Vijayawada - 520 010. .. Respondents

Counsel for the Applicant: Mr. V. Venkateswara Rao

Counsel for the Respondents: Mr. V. Rajeswara Rao

CORAM:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.)

ORDER

(Per Hon'ble Sri H. Rajendra Prasad: Member (Admn.) *8/4/97*)

Heard Mr. V. Venkateswara Rao for the applicant
and Mr. Rajeswara Rao for the Respondents.

The applicant was initially engaged as Casual Mazdoor, having been duly sponsored by the Employment Exchange, in February, 1979. His case for grant of temporary status and regularisation was under consideration in 1988 under the provisions of a relevant scheme evolved by the Department. He was called upon to produce a proof of his date of birth to facilitate regular absorption. Thereupon the applicant obtained and produced a transfer certificate purported to have been issued by the Municipal Elementary School, Mogalarajapuram, Vijayawada.

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On verification the said certificate was found to be spurious. On account of this it was held that the applicant lacked integrity and was removed from casual service on 20th January, 1990.

his guilt and admits

2. The applicant weekly confesses his mistake in producing a non-genuine certificate purported to have been issued by an elementary school, but submits that apparently wrong advice tendered to him. He, therefore, prays that a compassionate view may be taken of his innocent lapse in the matter.

3. A similar case relating to one Smt. Koteswaramma (OA 191/90), disposed of by this Bench on 18.3.1993, was relied upon by the counsel for the applicant with a prayer that the view which was taken in the said OA ought to be extended to the present applicant as well. As against this, Mr. Rajeswara Rao brought to my notice the orders contained in the judgement in OA 1273/94 passed by this very Tribunal. I have taken note of both the judgements. Also noted is the contention of the Respondents that the applicant cannot compare his case with that of Koteswaramma (OA 191/90) because she had put in 19 years of service on the date of filing of her OA where as the applicant has rendered only 10 years of service on the date of filing this OA. This argument is patently illogical and is rejected. What was considered reasonable in one OA is regarded as equally reasonable and applicable to the other as well, specially when the overall circumstances in both cases are not different from one another.

Considering the fact that the applicant has served the department without any blemish for 10 years, is almost illiterate and, according to his own statement, was mis-advised on submitting an incorrect certificate regarding his educational qualification — the certificate was for proof of date of birth, really, since education as such was not a qualification, and in the light of his own confession and expression of regret at the lapse, it is felt that his request

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deserves every consideration notwithstanding the single instance of misdemeanour committed by him. It is strongly felt that the respondents ought to take a very sympathetic view in the matter. ----- that he would like to file a proper representation to the respondents, if permitted. He is permitted to do so. Respondent-1 may consider the request of this low-paid worker with as much sympathy as possible on purely humanitarian grounds. A suitable decision may be taken and communicated to the applicant within 45 days from the date of receipt of the representation submitted by the applicant. This is the least that seems to be deserved by a worker who has rendered unblemished service for nearly a decade and the only means of alleviating the continuing distress faced by the applicant.

Thus the OA is disposed.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Date: 6th August, 1997.

Arul
Deputy *Reveran* *18/9/97* (1)

KSM

O.A.1070/95.

To

1. The Chief General Manager,
Telecommunications,
A.P.Circle, Hyderabad.
2. The General Manager,
Telecom Dist. Dept.of Telecommunications,
Vijayawada-010.
3. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
4. One copy to Mr.V.Rajeswar Rao, Addl.CGSC.CAT.Hyd.
5. One copy to HHRP.M.(A) CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.
7. One spare copy.

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~~11/8/97~~ T COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE
VICE-CHAIRMAN

and

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 6 - 8 - 1997

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No. 1070/95

T.A.No.

(w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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