

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No.529/96

Date of Order : 27-8-96.

Between :-

1. Nagavarapu Venkata Bhavani Sankar
2. Keredla Sitaram
3. Kengam Swami Naidu
4. Kalla Suryanarayanan
5. Enkoti Ganapathi
6. Reddy Narasimha Naidu
7. Chepilili Nooka Raju
8. Korri Venkata Ramana Murthy
9. Ravada Prabhakara Rao
10. Boddada Chandra Rao
11. Boddada Appa Rao
12. Ponuku Surya Satyanarayana Murthy
13. Gobada Appa Rao
14. Kandregula Babu Rao
15. Palla Rama Rao
16. Gompa Daivagnani

... Applicants

And

1. The Admiral Superintendent,
Naval Dock, Yard, Visakhapatnam-14
2. The Addl. Project Director,
Ship Building Centre,
Naval Base, Visakhapatnam-14.

... Respondents

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Counsel for the Applicants : Shri M.P.Chandramouli

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

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CORAM :

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN *mee*

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

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(Oral Orders per Hon'ble Justice Shri M.G.Chaudhari,
Vice-Chairman).

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Shri M.P.Chandra mouli for the applicants. Shri V.Rajeshwar Rao for the Respondents. Shri Chandra mouli has now produced all the 16 orders of appointment which according to him are the original orders issued to the respective applicants. Prima-facie the manner of signature of the Dy.General Manager (P&A) appearing on these orders and the signature of the very same officer appearing on the counter bears similarity. The Respondents have raised contention that these orders (since the copy of one of them had been originally filed as Annexure-IV to the O.A.) are false and the signature of Captain K.Narayanan, Dy.General Manager (P&A) was forged by the applicants with mala fide intention to derive benefit. This is a serious allegation and needs investigation.

2. The allegation made by the Respondent No.1 at this stage cannot be accepted as a complete answer because of some unanswered and uncertain aspects of the matter. The orders produced by the applicants refer to the interview held in September, 1995 and are in the nature of making temporary appointment on a probationary period of six months, liable to be terminated at any time without assigning any reason on notice of one month. What is stated in para-2 of the counter is also consistent with these terms. The Respondents have not denied the fact that the applicants were interviewed in September, 1995 nor Annexure-I to the

- 3 -

Original Application. The learned counsel for the Respondents submits that the appointments were made for a period of 60 days only and the order of appointment was verbally communicated to the applicants. That is what is purported to be stated in para-2 of the counter. It is prima facie shocking to see how in Naval Dock Yard after interviews are held, the unskilled labourers are appointed verbally. How the terms and conditions are stated in para-2 of the counter were made known to the labourers cannot be understood. Surely some record should be maintained by the respondents and if the orders produced by the applicants are denied then there have to be some other orders for making the appointment for 60 days or atleast some record in which such a note is made. The explanation offered by the Respondents cannot be accepted at its face value. A question also will arise whether the services of the applicants could be terminated assuming they were verbally appointed without giving them any notice of termination and although it is stated that their services were terminated the manner in which they were terminated has not been stated. Nor any record in that respect is referred to. The situation therefore requires the O.A. to be admitted. Original Application is admitted. Liberty to the Respondents to file additional reply if so advised within a period of one month from today. In case such additional reply is filed, liberty to the applicants to file a rejoinder within 15 days thereafter.

3. In the event of the appointment orders relied upon

....4.

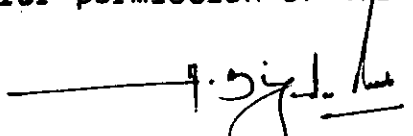
- 4 -

by the applicants being found to be genuine, it will necessarily follow that the termination was not in accordance with the terms and conditions of the very letter of appointment. We are referring to the appointment orders as produced by the applicants. In that event the respondents may have to give benefit of entire period from the date of termination until the services would be terminated in accordance with the terms and conditions of the letters of appointment if they are found genuine. That will add to the financial burden of the respondents. In view of the same we leave it to the respondents to consider providing in the meantime i.e. during the pendency of the O.A. temporary appointment to the applicants to save themselves from future consequences if so advised. Since the orders produced by the applicants apparently bear signature of the Dy.General Manager (P&A) Captain K.Narayanan which looks similar to his signature on the counter, we direct that an affidavit of Captain K.Narayanan, Dy.General Manager (P&A) shall be filed admitting or denying as the case may be the signature appearing on the 16 orders produced today by the learned counsel for the applicants. For that purpose it will be open to the said officer to take inspection of the orders produced today and to look at the signature appearing thereon.

4. The 16 orders produced today by the learned counsel for the applicants are taken on record. Likewise the 16 copies of the representations filed by the applicants (copy of which is at Annexure-30 to the OA) are also taken on record. The record of the proceedings including the documents produced today as mentioned above shall be kept in the safe custody of the Deputy

....5.

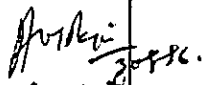
Registrar (Judicial and no inspection thereof will be given
✓ to any one except to C^aptain K.Narayanan, Dy.General Manager
(P&A) of the office of Respondent No.1 and/or counsel without
prior permission of the Vice-Chairman.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

Dated: 27th August, 1996.
Dictated in Open Court.

avl/


Deputy Registrar (D) CC

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TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

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

Dated: 27-8-1996

ORDER / ~~JUDGMENT~~

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

in

O.A.No. 529/96.

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.

pvm

