

14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1325/96.

Date of order : 18.12.1996.

Between

Smt. Kalyani

.. Applicant

And

1. The Director,
Defence Electronics
Research Laboratory,
Chandrayangutta Lines,
(DLRL), Hyderabad.
2. The Sr. Admve. Officer,
O/o the Director,
Defence Electronics
Research Laboratory,
Chandrayangutta Lines,
(DLRL), Hyderabad.
3. D.Narasimha

.. Respondents

Counsel for the Applicant

.. Shri K.Venkateswara Rao &
Applicant present.

Counsel for the Respondents

.. Shri N.R.Devaraj, Sr.CGSC with
Shri W.Satyanarayana, &
Shri A.Balachandran,
Sr. Admve. Officer Gr.II (R2)
present with records.

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)
although

According to the report of the office, notice was issued to all the 3 respondents by registered post on 26.11.96 the acknowledgements have not been received back so far. Respondents No.1 and 2 are already represented. It is presumed that the notice sent to Respondent No.3 must have been received in the ordinary course. He has, however, not appeared.

2. The applicant Smt. Kalyani D/o Roopsingh belongs to S.T. community. Her qualification is IX class pass. Her name was sponsored by the Employment Exchange to the respondents

will

(13)

in pursuance of a requisition from them for the post of Orderly in the scale of Rs.750-940 in the office of Respondent No.1. A call letter was issued to her by the respondents on 22.8.96 and in pursuance thereof she appeared at the interview on 10.9.96. She was intimated by the respondents by a telegram dated 15.10.96 that she was provisionally selected for the post of Orderly and the letter will follow. It is the contention of the applicant that she did not however receive any such letter nor ^{any} intimation regarding her appointment. Enquiries were made by her father as well as by herself with Respondent No.2 and she was informed that the letter asking her to fill up the attestation forms and complete the formalities dated 16.10.96 was issued and she would be receiving the same in due course and there may have been delay due to the then Postal strike. The applicant waited. However she was informed on 12.11.96 that as a letter was already received from her informing that she was not interested in the post, the appointment of the next candidate was being finalised. Being the case of the applicant that she had ~~never~~ received the letter dated 16.10.96 and also that she had never written any letter informing the respondents that she was not interested in the job filed a representation on 12.11.96 to the respondent and filed the instant O.A. on 14.11.96. It is her case that she was duly selected as informed by the respondents by a telegram dated 15.10.96 and she was entitled for appointment to the post. She prays that it may be declared that she is entitled for the appointment and consequential reliefs.

3. At the admission hearing the so-called letter received by the respondents from the applicant allegedly informing them that she was not interested in the job as she had already secured another employment was taken on record and specimen signatures of the applicant were also obtained and the response of the respondents was awaited.

4. The said letter was shown to the applicant who was present in the court, and she denied that the signature of her name appearing thereon was ~~not~~ hers.

5. The respondents^{1, 2} have now filed a counter declared by Shri A. Ratnadas, Sr. Admve. Officer Gr.I of the office of Respondent No.1 dated 13.12.96. The respondents do not dispute the fact that the applicant was duly interviewed and she was placed at Sl.No.1 in the select list and she was accordingly informed by a telegram dated 15.10.96 that she was provisionally selected and a letter will follow. They also do not dispute that the applicant belongs to the S.T. community. They also do not dispute that the applicant's father and she herself had been making enquiries in the office of Respondent No.2 from time to time as claimed by her. It also transpires from the counter that acting on the basis of the letter dated 29.10.96 purportedly received from the applicant and in view of the contents thereof the next candidate in the select list, namely Shri D. Narasimha was intimated by phonogram and letter to complete the formalities of filling up the attestation forms etc., as it was proposed to make his appointment. The respondents however say in para 5 as follows:-

"Since Smt. Kalyani has intimated that she has not received DLRL letter dated 16.10.96 and also she has not sent any letter about her unwillingness, the respondents have immediately taken up the case with the Postal authorities^{to} /enquiry about the delivery of the said 'Registered Ack. Due' letter and intimate the result. The enquiry report from the Postal authorities dated 3.12.96 revealed that the said registered letter has been lost after its booking."

6. The above statement made by the respondents coupled with the communication received by them from the Customer Care Centre in the office of Chief Postmaster-General, A.P.Circle, Hyderabad, the contention of the applicant that she had not received the said registered letter has to be accepted as true.

Once that position is revealed it becomes abundantly clear that the so-called letter of the applicant dated 29.10.96 could not be written by her and is a fabricated document. On that aspect we have made detailed comments in our interim order dated 22.11.96 and it is not necessary to reproduce them here. The only reason for which the applicant was not appointed being the said letter dated 29.10.96 and in view of the said letter not having been found genuine we are satisfied that the applicant cannot be denied appointment in the post in question in pursuance of her selection already made.

✓ 7. The respondents^{1 & 2} also do not have any serious objection to her appointment. Their only apprehension is that they may be dragged into further litigation at the instance of the candidate at Sl.No.2 whom they had also asked to complete the formalities on the basis of the letter dated 29.10.96 purportedly received from the applicant. From that point of view alone we had directed a notice to be issued to the said candidate, namely ✓ Shri D.Narasimha^{as respondent no. 3}. The respondents therefore need not have any apprehension that they may be held responsible for not appointing him as they would be acting under the orders of the Tribunal. The said candidate also has not yet been appointed. It is ✓ stated by the representative of the respondents^{1 and 2} who is present that no appointment order has so far been issued to him. ✓ We had also directed status quo on 22.11.96. (The order admitting the O.A. and of status quo was passed on 22.11.96 but we noticed that on the judgement by mistake the date has been typed wrongly as 12.11.96 instead of 22.11.96. The parties were asked to make ✓ a note ^{the correct} in the change of date.) Thus no prejudice will be suffered by the said candidate, Shri D.Narasimha.

8. After dealing with the merits of the case as above as we are perturbed over the revelation that the so-called letter purported to be from the applicant dated 29.10.96 appears to be a fabricated document we are inclined to direct a thorough enquiry to be made in that respect by Respondent No.1.

(2)

The Director, DLRL, Hyderabad will cause a thorough enquiry departmentally made to trace out the person who apparently had fabricated the signature of the applicant on the letter dated 29.10.96 and take suitable departmental - civil or criminal - action as may be called for. We also leave it open to the Respondent No.1 to refer the matter to the police authorities for enquiry as a fraud in respect of the government office is clearly visible to have been played by someone. We may reiterate that the signature on the said letter is denied by the said applicant to be hers^{signature}. On a comparison of her specimen signatures obtained in the court and that signature we prima facie find that the signature appearing on the letter could not be the genuine signature of the applicant. As noted in the earlier order, the enquiries being made by the father of the applicant and the applicant herself is inconsistent conduct with sending the alleged letter dated 29.10.96. There is also the circumstance which is somewhat mysterious as to how the letter dated 16.10.96 despatched by 'Registered Ack. Due' by the office of Respondent No.2 was lost in transit as reported by the Postal authorities. It will be open to the Respondent No.1 to move the higher Postal authorities requesting them to look into this matter and cause an enquiry to be made as that is a factor touching the probable fraud played with the Respondent No.2 and upon the applicant in causing the fabricated letter purported to be of the applicant to be sent to the respondents on the premise that the letter dated 16.10.96 had been delivered to the applicant which fact stands falsified from the report of the Postal authorities. We hope that the matter will be taken up seriously by the Respondent No.1 and necessary action initiated immediately. In order to ensure that in the matters of public administration persons playing fraud should be brought to book and despite our full confidence in the

Respondent No.1 that he will pursue the matter we additionally direct that a report on the result of the investigation shall be submitted to this Tribunal within a period of two months from today relating to this O.A. although it is disposed of.

9. The purported letter of the applicant dated 29.10.96 and the specimen signatures of the applicant obtained in the court on 22.11.96 shall be kept in a sealed cover in the safe custody of the Deputy Registrar of this court until further directions are given. The Respondent No.1 will be at liberty to seek its inspection or return of the same for the purpose of enquiries as and when needed. On such request being made orders may be obtained from the Vice-Chairman in that behalf.

10. In the result, the following order is passed:-

(1) Subject to compliance with the formalities as may be required to be completed by the applicant, the Respondents No.1 and 2 are directed to issue the appointment order in favour of the applicant to the post of Orderly for which she was selected. In order to enable the applicant to comply with the requisite formalities for being appointed the applicant may collect the attestation forms from the office of the respondent immediately and submit them duly filled in to the respondents. The respondents ^{1 and 2} are directed to supply the attestation forms to the applicant.

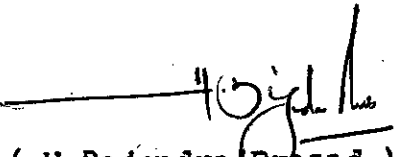
(2) As soon as the attestation forms duly completed and verified are submitted to the ^{said} respondents by the applicant, the respondents shall issue her the offer of provisional appointment and medical certificate forms. The applicant shall undergo the medical test and on the medical report being submitted to the respondents, the respondents shall immediately give her the letter of appointment on provisional basis and shall not delay the appointment on the ground of receipt of police verification report.

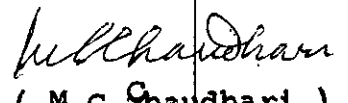
(3) The respondents will refer the matter for police verification as soon as practicable and after the police verification report is received the appointment of the applicant shall be formalised as regular appointment in the post with effect from the date on which she will be provisionally appointed.

(4) The Respondent No.1 to report on the enquiry as directed above in the order of this Tribunal.

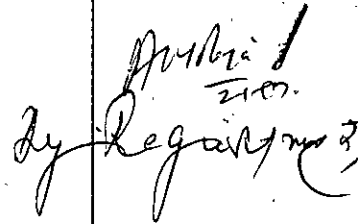
11. The O.A. is allowed in terms of the above order.

No order as to costs.


(H. Rajendra Prasad)
Member (A).


(M.G. Chaudhari)
Vice-Chairman.

Dated: 18.12.1996.
Dictated in Open Court.


By Registrar

br.

OA. 1325/96.

Copy to:-

1. The Director, Defence Electronics, Research Laboratory, Chandrayangutta Lines, (DRL), Hyderabad.
2. The Sr. Adm. Officer, office of the Director, Defence Electronics Research Laboratory, Chandrayanagutta Lines, (DRL), Hyd.
3. One copy to Mr. K. Venkateswara Rao, Advocate, CAT, Hyd.
4. One copy to Mr. N. R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

kku.

②

24/1/97

I COURT

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
MEMBER (ADMN)

Dated:

18.12

-1996

ORDER / JUDGMENT

~~U.A./R.A/G.A. NO.~~

U.A. NO.

1325/96

T.A. NO.

(U.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.

No Spare Copy

