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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

O.A.349/97.

Dt.of Decision : 09-03-99.

A.V.Omprakash

.. Applicant.

Vs

1. The General Manager,  
(Telegraph Traffic),  
Hyd. Telecommunications,  
Central Telegraph Office,  
Sec'bad.
2. The Chief Superintendent,  
Central Telegraph Office,  
Hyderabad-1.
3. The Superintendent,  
Central Telegraph Office,  
Sec'bad-3.

.. Respondents.

Counsel for the applicant : Mr.P.B.Vijaya Kumar

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

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

THE HONIBLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)



..2/-

ORDER

ORAL ORDER (PER HCN.Mr.B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.P.B.Vijaya Kumar, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant herein worked as Extra-Departmental Messenger from 1979 till 18-9-82. After bifurcation of the department to post and telegraph he was appointed as Telegraph Man on Traffic basis vide proceedings No.ES-57/VI dated 18-9-82 (Annexure-2) along with 4 others. He worked as such till 27-10-86. His services were terminated vide proceedings dated 25-10-86 w.e.f., 27-10-86 on the ground that he joined the service on fake certificate of his educational qualification. But the applicant submits that no enquiry was made to prove the grounds on which <sup>he</sup> ~~is~~ termination order was issued. Subsequently, the respondents department re-engaged 4 others but not the applicant as he had not qualified in the 5th standard for re-engaging him as Group-D staff. The other 4 were re-engaged as they possess<sup>ed</sup> the necessary educational qualification.

3. This OA is filed to set aside the proceedings No.Rectt, T/Man/1965/90 dated at HD-1/ dated 25-10-86 by holding the same as illegal, arbitrary and discriminatory and consequently order his reinstatement together with back wages, continuity of service and all other attendant benefits on par with similarly situated persons.

4. A reply has been filed in this OA. Para-6 of the reply is very relevant. This para reads as below:-

"It is submitted that the applicant submitted a representation on 10-08-1988 stating that he had

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passed S.S.C. and requested for reinstatement as Casual Labourer. The applicant was asked to produce the original certificate and on verification it was found to be genuine. However, as there were no vacancies of Casual Mazdoor, he was offered part-time employment at Telegraph Office, Sainikpur as a last and final chance, which he refused. After keeping silence for 8 years, the applicant submitted a representation on 26-3-96 and on 7-5-96 requesting to consider him for Group-D appointment. The applicant did not approach R-2 so far to collect his original certificate".

5. From the above it appears that the applicant had produced a SSC certificate along with his representation dated 10-08-88. As there was no vacancy of Group-D at that time he was offered part-time employment in Telegraph Office, Sainikpuri. But the applicant refused to accept that offer. Thereafter he filed representations in 1996 i.e., after about 8 years. It appears no action has been taken on those representations.

6. This OA is filed immediately ~~after that~~ thereafter for the relief prayed for which has been indicated above.

7. The applicant should have taken the part-time job offered to him in the year 1988 when he produced the SSC certificate. But unfortunately he did not take up that job and refused the same. He should have atleast accepted it and ask<sup>ed</sup> for appointing him to Group-D post. But the applicant submits that there is no proof of having refused that part-time job.



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8. Be that as it may, the applicant has approached this Tribunal only in 1996 after about 8 years. Hence, at this juncture it will not be possible to grant him the relief for appointing him from 1988 onwards and pay him the back wages. Under the circumstances the only relief that can be given to him is to give a direction to the respondents to re-engage him as a casual labour in the vacancy that is available or in the next vacancy that will arise in future. Soon after his re-engagement as casual labour his case should be considered for regularisation in accordance with law preferably ~~giving~~ giving him weightage for his earlier service rendered by him.

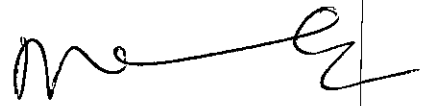
9. In the result, the following direction is given:-

The applicant should be re-engaged as casual labour in the vacancy available now or if no vacancy is available now he should be re-engaged as casual labour in the next immediate vacancy that arises in future. On his re-engagement his case should be considered for regularisation in accordance with the law giving due weightage to his past experience.

10. With the above direction the OA is disposed of.

No costs.


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

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

9.375

Dated : The 09th March, 1999.  
(Dictated in the Open Court)

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Copy to:

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24/3/99  
1ST AND 2ND COURT

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THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:  
VICE - CHAIRMAN

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

THE HON'BLE MR. R. RANGARAJAN :  
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR  
MEMBER (J)

DATED: 9/3/99

ORDER / JUDGEMENT

MA. / RA. / CP. No.

IN

O.A. NO. 349/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS

SRR

8 copies

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
दफ्तर / DESPATCH

17 MAR 1999

हैदराबाद ब्याचपीठ  
HYDERABAD BENCH