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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

OA 564/97

Between:

Date of decision: 12-8-1998

Sk. Mastan

.. Applicant

A N D

1. Asstt. Engineer (MW Mtce.)
Warangal - 506 007.
2. The Divisional Engineer (MW Mtce.)
Warangal - 506 007.
3. The Telecom District Manager,
Warangal - 506 050.
4. The Director-General,
Telecom,
(reptg. Union of India,
New Delhi - 110 001). .. Respondents

Counsel for the applicant: Mr. C. Suryanarayana

Counsel for the respondents: Mr. Vinod Kumar

Coram:

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

...2/

O.A. 564/97

Date: 12-8-1998

ORDER

(Per Hon'ble Shri H. Rajendra Prasad, M(A)

Heard Mr. C. Suryanarayana for the applicant and Mr. Vinod Kumar for the respondents.

2. The applicant claims to have been engaged as scavenger-cum-sweeper from 1977 onwards until his services were orally terminated on 16-12-1996. He has multiple grievances to project in this OA, viz., that he has not been converted into a full-time casual worker, that he has not in fact been treated as casual worker at all, nor has half of his service been converted to be reckoned as full-time worker in accordance with the instructions of the DG Telecom No. 269-29/88-STN dt. 18-11-88 (Annexure A-4), that he has not been paid the minimum wages of a regular employee (instead ~~of~~ ^{now being} the meagre allowances paid to him which are very low compared to what was available to daily-wage workers), and, finally, that his services were terminated irregularly.

3. It is emphatically submitted by Mr. Vinod Kumar, learned Additional Standing Counsel for the Respondents, that the applicant was engaged from only December '92 onwards, and that the Certificate of Service produced by him (vide Annexure A-1) does not actually relate to him at all but to his elder brother who bears the same name and was also employed in a similar capacity a few years earlier and who still continues with the department. It is alleged that the applicant has as a matter of fact misused a certificate issued in favour of his brother to gain an undue advantage and benefit for himself. It is a case of

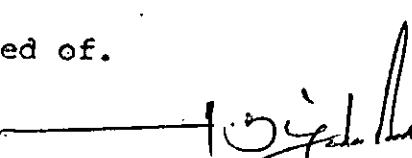
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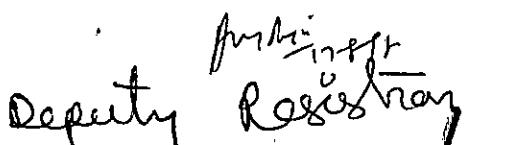
deceit and attempted impersonation on the part of the
 applicant, and he does not deserve any relief
 in view of his questionable conduct as revealed now.

4. In view of the submissions made by the Respondents the only question that needs immediate attention is to establish the identity of the person in whose favour the certificate at Annexure-1 was issued and to determine its connection, or lack of it, with the applicant. For this purpose it would seem necessary that the respondents must hold an enquiry in order to bring out the veracity or otherwise of the allegations against the applicant. They should do so and complete the same within three months from the date of receipt of a copy of this order. If the applicant is exonerated of the charges in the enquiry, the respondents shall then have to re-engage him for a suitable number of hours on the same basis as before and examine his other claims made in this OA; and also pay him according to the instructions of the Govt. On the other hand, if the charges now made against the applicant are proved, no further action is necessary to be taken as far as his re-engagement is concerned.

5. Thus the OA is disposed of.

MD


 (H. RAJENDRA PRASAD)
 Member (A)


 Deputy Registrar

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O.A.564/97.

To

1. The Assistant Engineer(MW Mtce.)
Warangal-7.
2. The Divisional Engineer(MW Mtce.)
Warangal-7.
3. The Telecom Dist,Manager,
Warangal-050.
4. One copy to Director General,
Telecom, Union of India, New Delhi-1.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
6. One copy to Mr.V.Vinod Kumar, Addl. CGSC. CAT.Hyd.
7. One copy to Mr.H.Rajendra Prasad .M(A) CAT.Hyd.
8. One copy to DR.(A) CAT.Hyd.
9. One spare copy.

pvm.

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: 12-8-1998.

ORDER/JUDGMENT

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

in

O.A.No. 564/97

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.

