

30

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1478 OF 1997

Dated, the 6th April, '99

BETWEEN :

B. Subba Rayudu

.... Applicant

A N D

1. Director of Postal Services,
O/e PMB, APSR Kurnool.
2. Superintendent, Railway Mail Service,
AG Division, Guntakal.
3. Sub-Record Officer, Railway Mail Service,
AG Division, Cuddapah

.... Respondents

COUNSELS :

For the Applicant : Mrs. A. Anasuya

For the Respondents : Mr. B.N. Sarma

CORAM:

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMIN)

THE HON'BLE MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL)



(39)

O.A. 1478/97

-:2:-

O R D E R

(PER: HON'BLE MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL))

1. None for the applicant. Heard Mr. M.C. Jacob, for Mr. B.N. Sarma, Learned Standing Counsel ~~for the respondents.~~
2. The applicant herein was working ~~at~~ at SRO Cuddapah in RMS, AG Division, Guntakal, as Casual Labourer/out-sider from the year 1983. Vide proceedings No.B/EDMM/DN/Vol.IV dt. 28.5.92 he was regularly appointed as EDMM at SRO, Cuddapah. At the time of his appointment he had produced a V Class Certificate issued to him by the Headmaster, A.P. High School, Cuddapah. On verification of the said School certificate from the authorities concerned, the respondents learnt that the certificate produced by the applicant was not a genuine one. Hence, the services of the applicant were terminated under Rule 6 of the Rules 64.
3. Then the applicant approached this Tribunal in O.A. 1506/96 on 30.6.77. This O.A. was decided with a direction to him, if so advised to submit a review petition against the order terminating his services to the competent authority.
4. Accordingly, the applicant submitted a review petition to the competent authority and the said reviewing authority has rejected his case and had ² confirmed the order of termination.
5. This O.A. is filed to call for the records pertaining to the proceedings No.B/EDMM/BSR dt. 21.10.97 passed by the Superintendent, RMS 'AG' Division, Guntakal and the Memo bearing No.PF/BS/EDMM/SRO/Cuddapah, dt. 13.5.95 and quash the same as the said termination order is contrary to law violative of Principles of Natural Justice and for a consequential direction to reinstate him into the service with all consequential benefits.

R

6. The respondents have filed a reply explaining the circumstances which led to take action against the applicant. They further submit that since the applicant had not put in 3 years service they have invoked the rule 6 of the rules 64 and terminated his services after following the procedure. They submit that they had issued a notice calling upon him to explain the position and after considering his explanation the respondent authorities passed the impugned orders. Hence they submit that there are no justifiable reasons to interfere with the impugned orders.

7. The main reason for termination of the applicant is that the applicant had submitted a bogus School certificate at the time of his appointment and that he had not put in 3 years service at the time ^{when} he was issued with the show-cause notice. They submit that rule 6 of the rules 64 provide for termination of the services of ED Staff any time by giving a notice in writing. Accordingly, the respondents submit that they have followed the procedure and terminated the applicant from service.

8. The applicant ⁱⁿ the grounds of the O.A. [&] contended that the authorities have not examined the certificate to come to the conclusion that it is bogus. The applicant had submitted only a Xerox copy of the School Certificate. It is not understood as to why the applicant could not produce the 5th Class and 8th Class School Certificates in original even after giving him an opportunity to represent his case against the proposed termination of his services. He could have produced either the 5th Class certificate or the 8th Class Certificate ^{in original} to prove that the Xerox copy of the certificate earlier produced was genuine.

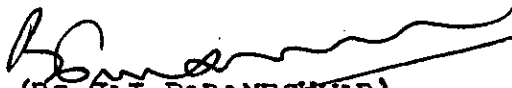
B

O.A.1478/97


-:4:-

9. This Tribunal is ^{not} an appellate authority. If a case is decided on the basis of certain evidence available the same cannot be interfered with by this Tribunal. As the respondents in their reply have specifically stated that the applicant has not produced any proof of the School Certificate even after he was given time, we do not consider it necessary to further examine his case. Hence, we feel that it is not necessary to interfere with the impugned orders and the O.A. is liable to be dismissed.

10. The O.A. is accordingly dismissed leaving the parties to bear their own costs.

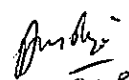

(BS UAI PARAMESHWAR)
MEMBER (JUDL)

6.4.99


(R RANGARAJAN)
MEMBER (ADMIN)

Dated, the 6th April, '99.

Dictated in Open Court.


Rangarajan

CS

COPY TO:-

1. HONND
2. HHRP M(A)
3. HBSJP M(3)
4. B.R.(A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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: 6/4/99

ORDER / JUDGEMENT

NO. / R.A. / C.P. No.

IN

C.A. No. 1478/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

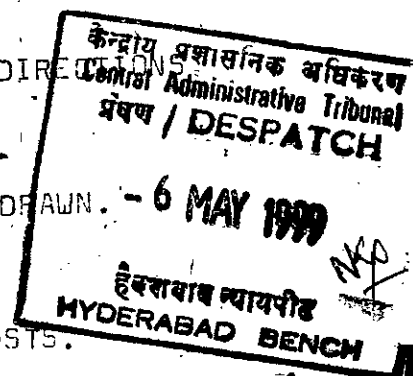
DISPOSED OF WITH DIRECTIONS
DISMISSED.

DISMISSED AS WITHDRAWN. - 6 MAY 1999

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

SRR



8 cc 1997

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : BENCH : AT HYDERABAD

M.A.No. 762 of 1998

in

O.A.No. 1478 of 1997

Between:

B.Subba Raydu

. . . Applicant

and

Director of Postal Service,
The P.M.O., APSR, Kurnool and others.

. . . Respondents

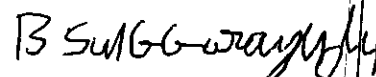
FACTS OF THE CASE: The applicant herein filed OA/1509/96 before this Hon'ble Tribunal questioning his termination order with the allegation of production of bogus VIII Class Certificate. The same was disposed off with a direction to exhaust the remedies available to him by filing a Review before the respondents. But the said Review Petition was dismissed and the termination order was confirmed by the Respondents. Questioning the said order, the present O.A. was filed and this Hon'ble Tribunal was pleased to admit the same on 6.11.97. As no interim orders were passed in the OA and it has become very difficult for the applicant to earn his livelihood as he is a Poor SC Candidate and as there is no employment for him for the past three and half years. Therefore it is necessary to hear the main OA itself and dispose the case at an early date. The respondents even after receiving the notices are not filing counter.

Hence, it is prayed that the Hon'ble Tribunal may be pleased to expedite and fix a date for final hearing and pass such other order or orders in the interest of justice.

Hyderabad,

5-9-1998.


COUNSEL FOR APPLICANT


APPLICANT

VERIFICATION


I, B.Subba Raydu, S/o. P.Peda Nagaiah, the above named applicant, do hereby declare that the contents of the application are true to the best of my knowledge and belief and declares that I have not suppressed any material facts.

Hence, verified.

Hyderabad,

5-9-1998.


APPLICANT


COUNSEL FOR APPLICANT

*for fixing an early date
for the final hearing of this case*
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

BENCH : AT : HYDERABAD

M. A.No. of 1998

in

O. A.No. 1478 of 1997

Between:

B.Subba Raydu ... Applicant

and

Director of Postal Service,
The P.M.O., APSR, Hurnool
and others ... Respondents



*Received
9/9/98
N. R. Dey*

Miscellaneous Application

*Rev. sent to Judicial
on 9/9/98*

Filed on:

Filed by:
Smt. A. Anasuya,

Counsel for Applicant

*May be filed
9/9/98*

MA NO. 762/98

in
OA NO. 1478/97

8/10/98

Heard the learned Counsel
for the Applicant. Nothing
emerges from the submissions
made by the learned Counsel
for the Applicant which
could enable the Court to
pass an order expediting
the hearing of the present
petition. The expedite
petition is rejected.

^{from}
H.D. NIS
VC

OW

नल/ORIGINAL

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

पोस्टल/POSTAL

बेच केस/BENCH CASE

M.A. No. 762 of 1998
IN

O.A. No. 1478 of 1997

Expedite Petition

SMP. A. Anasuya
COUNSEL FOR THE APPLICANT,

AND

Mr. N.R. Deva Raj
Sr. ADDL. STANDING COUNSEL FOR
C.G. RLY.

(Under Rule 8(3) of the C.A.T. (Procedure) Rules, 1987)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : BENCH
AT HYDERABAD

M.A.No. 601 OF 1999
R.A.No. 2731 of 1999
D.A.No. 1478 OF 1997

Between:

E.Subba Rayudu, S/o.B.Pedda Nagaiah,
aged about 38 years, Occ.: E.D.M.M.,
Cuddapah, R/o. Cuddapah.

. . . Applicant

and

1. Director of Postal Services,
D/o. P.M.G., A.P.S.R., Kurnool.
2. Superintendent, Railway Mail
Service, A.G.Division, Guntakal.
3. Sub-Record Officer, Railway Mail
Service, A.G.Division, Cuddapah.

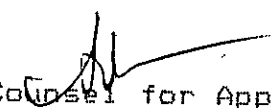
. . . Respondents

. . .

For the reasons stated in the accompanying affidavit, the applicant herein prays that this Hon'ble Tribunal may be pleased to Condone the delay of 18 days in filing the review application/petition against the orders passed in O.A.No.1478 of 1997 on 6-4-1999 and pass such other order or orders in the interest of justice and pass such other order or orders as this hon'ble Tribunal may deem fit and proper.

Hyderabad,

Date:20-7-99


Counsel for Applicant

(Under Rule 8(3) of the C.A.T. (Procedure) Rules, 1987)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : BENCH
AT HYDERABAD

M.A.No. OF 1999

R.A.No. of 1999

O.A.No. 1478 OF 1997

Between:

B.Subba Rayudu

. . . Applicant

and

Director of Postal Services,
O/o. P.M.G., A.P.S.R., Kurnool.
and others

. . . Respondents

A F F I D A V I T

I, B.Subbarayudu, S/o.B.Pedda Nagaiah, aged about 38 years, Occ.: E.D.M.M., Cuddapah, R/o. Cuddapah, having now temporarily come down to Hyderabad, do hereby solemnly affirm and state on oath as follows:

1. I am the applicant in the above case and as such I am well acquainted with the facts of the case and depose as under:
2. I respectfully submit that I joined as EDMM at Cuddapah in Guntakal Division with my V Class qualification. At the time of joining I submitted my V Class certificate issued by the Head Master, A.P.High School, Cuddapah. The Respondents herein terminated my services suddenly on the Ground that I produced a fake VIII Class Certificate. I submit that I produced only V Class Certificate but not VIII class certificate which was not considered by the authorities. Then I approached the Hon'ble Tribunal by filing O.A. No.1506 of 1996 which was disposed off by directing me to submit a Review Petition before the competent authority which has to be disposed by the respondents. Accordingly I submitted the review petition, but the said review petition was decided by holding that the V Class certificate submitted by me is not genuine one. Aggrieved by the said orders the above O.A. was filed on the ground that the competent authority which has to decide the said review petition, exceeded the jurisdiction and

[Signature]

B. Subbarayudu

instead of verifying the genuiness of the VIII Class Certificate which was brought into existence by the some others, held that the V Class certificate is a bogus one. In the review petition, the scope is only limited to the extent of the ground on which I was terminated, but it cannot be extended to some other ground and new charge also cannot be framed in review petition which is the lacuna on the part of the respondents. They raised some other ground and tried to substantiate the termination orders. The grounds raised by me in O.A. were not considered by this hon'ble Tribunal while dismissing the O.A. In the above circumstances I constrained to file the present Review Application/petition.

3. It is further submitted that my counsel was informed that the case will be listed on 29-4-1999, but the Junior Counsel who attended the Tribunal on that day could not locate the number in the cause list and due to the said mistake I informed my Counsel that the case has not been listed on the said date and also not noticed when the case was called. As such not attending the court on that day is neither wilful nor wanton. The Order copy was received after summer vacation and I could not be contacted immediately as the letter which was written to me has not reached. When I came personally, I could know about the dismissal and in the process a delay of 48 days is caused in filing the review application which is neither wilful nor wanton and may be condoned.

Hence, it is prayed that this Hon'ble Tribunal may be pleased to Condone the delay of 48 days in filing the review application/petition against the orders passed in O.A.No.1478 of 1997 on 6-4-1999 and pass such other order or orders in the interest of justice and pass such other order or orders as this hon'ble Tribunal may deem fit and proper.

Hyderabad,

28-7-1999

COUNSEL FOR APPLICANT

B Subbarayudu
APPLICANT

Qv

Reg:- Condone delay Petition

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: BENCH : AT HYDERABAD

M.A.No. OF 1999

R.A. No. of 1999

O.A.No. 1478 OF 1997

Between:

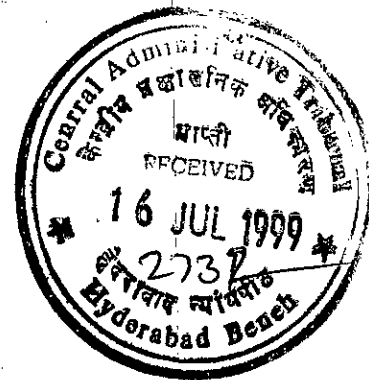
B.Subbaraydu,

. . . Applicant

and

Director of Postal Services,
Kurnool and others.

. . . Respondents



Condone Delay Petition

Received on 28/7/99
padmapriya

B. NARASIMHA SHARMA

Sr. Central Govt.
Standing Counsel,
Central Administrative,
Tribunal, Hyderabad,

Filed by:
Smt.A.Anasuya,
Counsel for Applicant

May 6/100
272
Not to be Read
28/7

-3-

VERIFICATION

I, B. Subba Rayudu, the above named applicant, do hereby declare that the above facts are true to the best of my knowledge and belief and further declare that I have not suppressed any material facts.

Hence, verified.

Hyderabad,

20-7-1999.

B Subbarayudu

APPLICANT

Sworn and signed before me
at Hyderabad


Gudeti
Channarayana Reddy,
Advocate - Hyderabad

MA-601/99 in R.A. No. 2731/99

in
O.A. 1478/92

19/8/99

Let this M.A. and
R.A. be for dismissal on
26-8-99.


HBSOP
M(T)

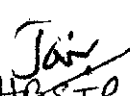
HRRN
M(T)


26-8-99

This M.A. is filed for condoning
the delay of 48 days in filing the
Review Application. The Respondents
have no objection to allow this M.A.
i.e., for the reasons stated in
M.A., the delay is condoned.

M.A. is allowed. Registrar

R.A.


HBSOP
M(T)


HRRN
M(T)

RECEIVED/POSTAL

बेच केस/BENCH CASE

✓
ORIGINAL

M.A. No. 601 OF 1999

IN R.A. No. 2731/99

O.A. No. 1478 OF 1992

Condone delay petition

Mr. Sat. A. Anand

COUNSEL FOR THE APPLICANT

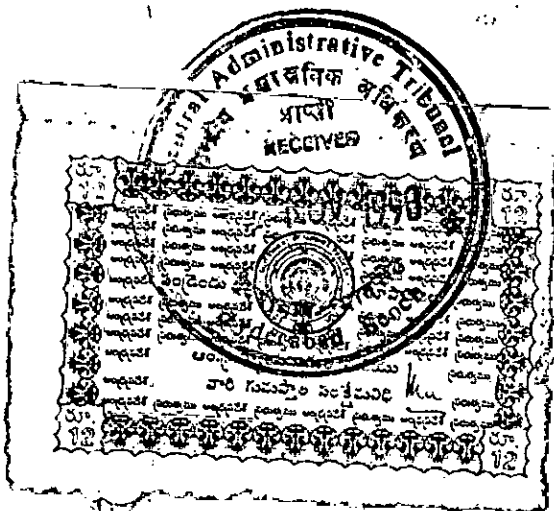
AND

Mr. B. N. Sarma

Sr. Asst. Standing Counsel for
C.G. Rlys.

Central Administrative Tribunal
Hyderabad Bench, Hyderabad.

O.A/BA No. 1478 of 1997



MEMO OF APPEARANCE

N.R. DEVARAJ

ADVOCATE

Standing Counsel for Railways

Senior Standing Counsel for Central Govt.

Counsel for *The Respondents*

Address for Service :

Phone : 7610600

Plot No. 8, Lalithanagar

Jamai Osmania,

Hyderabad - 500 044.

Central Administrative Tribunal, Hyderabad Bench
HYDERABAD.

O.A. / ~~RA~~ No.

1478

of 1997

BETWEEN

B. Subbarayudu

Applicant (s)

Vs.

Director of postal Services
O/o the PMG, Kurnool,
and others

Respondent (s)

MEMO OF APPEARANCE

To,



I N.R. Devaraj, Advocate, having been authorised

(here furnish the particulars of authority)

by the Central/~~State~~ Government/Government Servant/authority/corporation/society notified under Sec. 14 of the Administrative Tribunals. Act, 1985. Hereby appear for applicant No.....
/Respondent No..... and undertake to plead and act for them in all matters in the aforesaid case.

N.R. Devaraj

Signature & Designation of the
Counsel

Place : Hyderabad.

Date : 2.11.98

Address of the Counsel for Service

Plot No.8, Lalithanagar
Jamai Osmania
Hyderabad - 500 044.

N.R. DEVARAJ

Standing Counsel for Railways
Senior Standing Counsel for Central Govt.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
1st Floor, HACA Bhavan, Opp: Public Garden, Hyderabad. 500004. A.P.

ORIGINAL APPLICATION NO. 1478. OF 1997.

Applicant(s)

V/S

Respondent(s)

B. Subba Rayudu.
By Advocate ~~Subba~~

Smt. A. Anasuya.

The Director of Postal Services.
O/o P.M.G., A.P.S.R. Kurnool. & 2ors.

(By/Central Govt. Standing Counsel)

To.

Mr. N.R. Devaraj, Sr. CGSC.

1. The Director of Postal Services, O/o P.M.G., A.P.S.R., Kurnool.
2. The Superintendent, Railway Mail Service, A.G. Division, Guntakal.
3. The ~~Sub-Record~~ Sub-Record Officer, Railway Mail Service, A.G. Division, Cuddapah.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

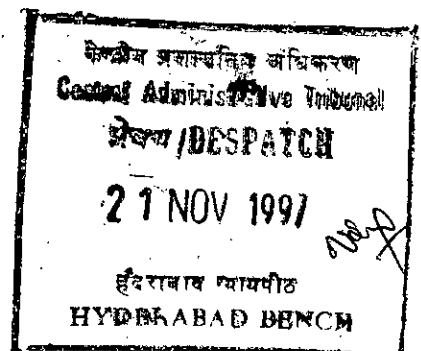
Issued under my hand and the seal of the Tribunal

This the . **Sixth**, day of . **November**, 199 **7**.

//BY ORDER OF THE TRIBUNAL//

Date: 13-11-97.

FOR REGISTRAR.



av
13/11/97

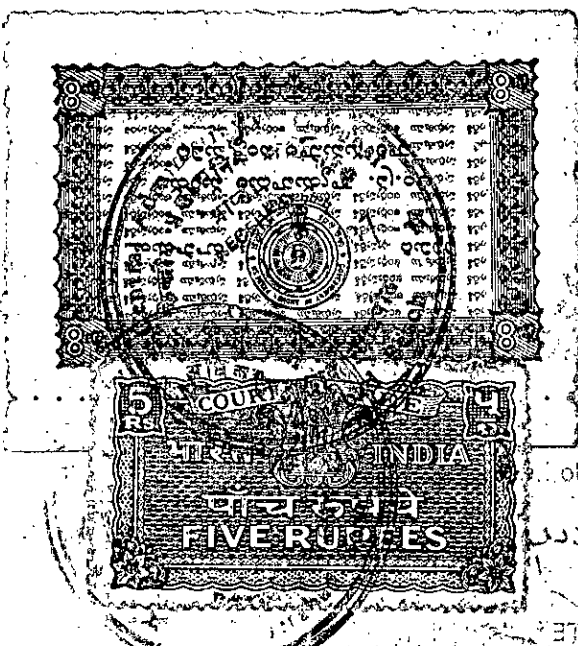
S. R. No.

Kesmed District

A. P. Administrative Tribunal
at Hyderabad.

O. A. No. _____ of 1997

on the file of the Court of _____



VAKALAT

ACCERTED

[Handwritten signature]

ADVOCATE
A Vakalat was filed on the file of the Court of the Hon'ble Members of the A. P. Administrative Tribunal at Hyderabad, in the above captioned matter, for the purpose of appearing in person and conducting the proceedings in the said matter. The Vakalat was accepted by the Court and the proceedings are now being conducted by the Advocate.

Petitioner
Counsel for Appellant
Respondent

Date... 29.12.1997

A. Anandya

ADVOCATE

Appellant
Counsel for Petitioner
Respondent

Address for Service :

ADVOCATE HYDERABAD

47

Central

in

~~AP~~. Administrative Tribunal at Hyderabad.

OA No. 1478 of 1997

on the file of the Court of

B. Subba Rayudu.

Appellant
Petitioner

Versus

Director of Postal Services

Respondent

of the P.M.G. APSR, Kurnool and others

I/We

Appellant-Petitioner
Respondent

In the above Appeal/Petition do hereby appoint and retain

A. Anandaya

ADVOCATE

Advocate/s of the High Court, to appear for ME/US in the above APPEAL/PETITION and to conduct and prosecute or defend the same all proceedings that may be taken in respect of any applications connected with the same including compromise or any decree or order passed therein, including all applications for return of documents or the receipt of any moneys that may be payable to ME/US in the said APPEAL/PETITION and also to appear in all appeals and applications under clause XV of the Letters Patent and in all applications for review and for leave to appeal to The Supreme Court of India and in all application for review of judgement.



B. Subba Rayudu

I certify that the contents of this Vakalat were read out and explained in English in my presence to the executant or executants who appeared perfectly to understand the same, made HIS/HER/THEIR signature or marks in my presence.

Executed before me on this the 28th day of Oct 1997

B. Subba Rayudu
ADVOCATE, HYDERABAD.
(B. Subba Rayudu)

FORM NO . 21

(Sec. Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

RA. 69/99 in . O.A. No. 1478 / 1997

B. Subbasayudu

Applicant(s)

Versus

Director of P. Services, Kurnool.

Respondent(s)

INDEX SHEET

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2.	Order Interim Order.	
3.	Reply Statement.	
4.	Rejoinder.	
5.	Orders in (final orders) 26.8.99.	11614.

17/9/99
Signature of dealing head
in Record Section.

Signature of S.O.

48

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

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

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

~~THE HON'BLE MR. H. RAJENDRA PRASAD, MEMBER~~

AND

THE HON'BLE MR. B.S. JAI PARAMESHWAR : MEMBER (J) ✓

MA 601/99 (condone delay petition)

SR 2731 of 1999
Review Application No. 2731 of 1999
in
Original Application No. 1478 of 1997

The above Review Application has been filed for review of the Judgement of the Bench dated 6/4/99. of the Tribunal consisting of ~~Mr. Justice D.H. Nasir, Vice-Chairman and Hon'ble Mr. R. Rangarajan, Member (A) and Hon'ble Mr. H. Rajendra Prasad, Member (J)~~ and Hon'ble Mr. B.S. Jai Parameswar, Member (J) in Original Application No. 1478 of 1997.

Circulated as per Rule 49 of the Central Administrative Tribunal Rules of practice, 1993.

Submitted.

AP 16/8/99

Post this at
MA for
attribution

Je
18/8/99

(SEE RULE 12)

FORM No. 4

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

ORDER - SHEET

O.A. No. RA-89 OF 1999

B. Subbarajulu Applicant(S)

Through M/s _____ Advocate

VERSUS

The Director of Postal Service
O/o P.M., A.P.S.R. Kuruvu Respondents

Date	Note of the Registry	Order of the Tribunal
		<u>26-8-99</u> M.A. No. 601/99 is allowed. Register the R.A. R.A. is dismissed, Vide order on separate sheet. No cost. <div>3 HJP 26/8 ST</div> <div>HRRN 71A)</div>

3

(Under Rule 8(3) of the C.A.T. (Procedure) Rules, 1987)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : BENCH
AT HYDERABAD

R.A.No.

69
in

OF 1999

O.A.No. 1478 OF 1997

Between:

B.Subba Rayudu, S/o.B.Pedda Nagaiah,
aged about 38 years, Occ.: E.D.M.M.,
Cuddapah, R/o. Cuddapah.

. . . Applicant

and

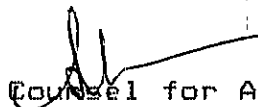
1. Director of Postal Services,
O/o. P.M.G., A.P.S.R., Kurnool.
2. Superintendent, Railway Mail
Service, A.G.Division, Guntakal.
3. Sub-Record Officer, Railway Mail
Service, A.G.Division, Cuddapah.

. . . Respondents

For the reasons stated in the accompanying affidavit, the applicant herein prays that this Hon'ble Tribunal may be pleased to Review the orders passed in O.A.No.1478 of 1997 on 6-4-1999 and quash the termination orders issued by the respondent no. 2 vide Memo. No. B/EDMM/BSR dated 21-10-1997 in the interest of justice and pass such other order or orders as this hon'ble Tribunal may deem fit and proper.

Hyderabad,

Date:20-7-99


Counsel for Applicant

4

(Under Rule 8(3) of the C.A.T. (Procedure) Rules, 1987)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : BENCH
AT HYDERABAD

R.A.No. OF 1999

in

O.A.No. 1478 OF 1997

Between:

B.Subba Rayudu

. . . Applicant

and

Director of Postal Services,
O/o. P.M.G., A.P.S.R., Kurnool.
and others

. . . Respondents

A F F I D A V I T

I, B.Subbaraudu, S/o.B.Pedda Nagaiah, aged about 38 years, Occ.: E.D.M.M., Cuddapah, R/o. Cuddapah, having now temporarily come down to Hyderabad, do hereby solemnly affirm and state on oath as follows:

1. I am the applicant in the above case and as such I am well acquainted with the facts of the case and depose as under:

2. I respectfully submit that I joined as EDMM at Cuddapah in Guntakal Division with my V Class qualification. At the time of joining I submitted my V Class certificate issued by the Head Master, A.P.High School, Cuddapah. The Respondents herein terminated my services suddenly on the Ground that I produced a fake VIII Class Certificate. I submits that I produced only V Class Certificate but not VIII class certificate which was not considered by the authorities. Then I approached the Hon'ble Tribunal by filing O.A. No.1506 of 1996 which was disposed off by directing me to submit a Review Petition before the competent authority which has to be disposed by the respondents. Accordingly I submitted the review petition, but the said review petition was decided by holding that the V Class certificate submitted by me is not genuine one. Aggrieved by the said orders the above O.A. was filed on the ground that the competent authority which has to

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decide the said review petition, exceeded the jurisdiction and instead of verifying the genuineness of the VIII Class Certificate which was brought into existence by the some others, held that the V Class certificate is a bogus one. In the review petition, the scope is only limited to the extent of the ground on which I was terminated, but it cannot be extended to some other ground and new charge also cannot be framed in review petition which is the lacuna on the part of the respondents. They raised some other ground and tried to substantiate the termination orders. The grounds raised by me in O.A. were not considered by this hon'ble Tribunal while dismissing the O.A. In the above circumstances I constrained to file the present Review Application/ petition.

Hence, it is prayed that this Hon'ble Tribunal may be pleased to Review the orders passed in O.A.No.1478 of 1997 on 6-4-1999 and quash the termination orders issued by the respondent no. 2 vide Memo. No. B/EDMM/BSR dated 21-10-1997 in the interest of justice and pass such other order or orders as this hon'ble Tribunal may deem fit and proper.

Hyderabad,

20-7-1999

APPLICANT


COUNSEL FOR APPLICANT

VERIFICATION

I, B. Subba Rayudu, the above named applicant, do hereby declare that the above facts are true to the best of my knowledge and belief and further declare that I have not suppressed any material facts.

Hence, verified.

Hyderabad,

20-7-1999.

APPLICANT

Sworn and signed before me,
on the above date at Hyderabad.

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1478 OF 1997

Dated, the 6th April, '99

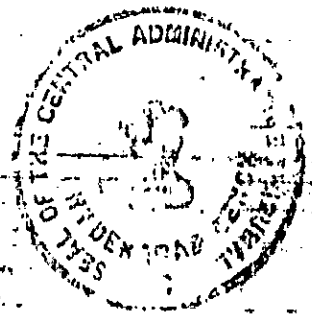
BETWEEN :

B. Subba Rayudu

..... Applicant

A N D

1. Director of Postal Services,
O/o PMB, APSR Kurnool;
2. Superintendent, Railway Mail Service,
AG Division, Guntakal.
3. Sub-Record Officer, Railway Mail Service,
AG Division, Cuddapah



..... Respondents

COUNSELS :

For the Applicant

: Mrs. A. Anasuya

For the Respondents

: Mr. B.N. Sarma

CORAM:

THE HON'BLE MR. R. RAJARAMAN, MEMBER (ADMIN)

THE HON'BLE MR. B.S. J. PARAMESHWAR, MEMBER (JUDL)

O R D E R

(PER: HON'BLE MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL))

1. None for the applicant. Heard Mr. M.C. Jacob, for Mr. B.N. Sarma, Learned Standing Counsel for the respondents.
2. The applicant herein was working at SRO Cuddapah in RMS, AG Division, Guntakal, as Casual Labourer/out-sider from the year 1983. Vide proceedings No.B/EDMM/DN/Vol.IV dt. 28.5.92 he was regularly appointed as EDMM at SRO, Cuddapah. At the time of his appointment he had produced a V Class Certificate issued to him by the Headmaster, A.P. High School, Cuddapah. On verification of the said School certificate from the authorities concerned, the respondents learnt that the certificate produced by the applicant was not a genuine one. Hence, the services of the applicant were terminated under Rule 6 of the Rules 64.
3. Then the applicant approached this Tribunal in O.A. 1506/96 on 30.6.77. This O.A. was decided with a direction to him, if so advised to submit a review petition against the order terminating his services to the competent authority.
4. Accordingly, the applicant submitted a review petition to the competent authority and the said reviewing authority has rejected his case and had confirmed the order of termination.
5. This O.A. is filed to call for the records pertaining to the proceedings No. /EF A/BSR dt. 21.10.97 passed by the Superintendent, F & AG Division, Guntakal and the Memo bearing No.PF/BS 1/SRO/Cuddapah, dt. 13.5.95 and quash the same as the said termination order is contrary to law violative of Principles of Natural Justice and for a consequential direction to instate him into the service with all consequential

6. The respondents have filed a reply explaining the circumstances which led to take action against the applicant. They further submit that since the applicant had not put in 3 years service they have invoked the rule 6 of the rules 64 and terminated his services after following the procedure. They submit that they had issued a notice calling upon him to explain the position and after considering his explanation the respondent authorities passed the impugned orders. Hence they submit that there are no justifiable reasons to interfere with the impugned orders.

7. The main reason for termination of the applicant is that the applicant had submitted a bogus School certificate at the time of his appointment and that he had not put in 3 years service at the time ^{when} he was issued with the show-cause notice. They submit that rule 6 of the rules 64 provide for termination of the services of ED Staff any time by giving a notice in writing. Accordingly, the respondents submit that they have followed the procedure and terminated the applicant from service.

8. The applicant, in the grounds of ⁱⁿ the O.A. ^{contended} that the authorities have not examined the certificate to come to the conclusion that it is bogus. The applicant had submitted only a Xerox copy of the School Certificate. It is not understood as to why the applicant could not produce the 5th Class and 8th Class School Certificates in original even after giving him an opportunity to represent his case against the proposed termination of his services. He could have produced either the 5th Class certificate or the 8th Class ^{as original} Certificate to prove that the Xerox copy of the certificate earlier produced was genuine.

O.A. 1478/97

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9. This Tribunal is ^{wt} an appellate authority. If a case is decided on the basis of certain evidence available, the same cannot be interfered with by this Tribunal. As the respondents in their reply have specifically stated that the applicant has not produced any proof of the School Certificate even after he was given time, we do not consider it necessary to further examine his case. Hence, we feel that it is not necessary to interfere with the impugned orders and the O.A. is liable to be dismissed.

10. The O.A. is accordingly dismissed leaving the parties to bear their own costs.



प्रमाणित प्रति
CERTIFIED TRUE COPY

क्रम संख्या

CASE NO. EN

IN

01/1478/97

6/11/97

29/4/99

[Signature]

Officer

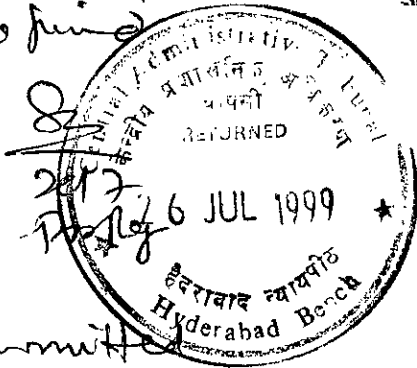
Central Administrative Tribunal
HYDERABAD BENCH

Referred

① Candare delay petition
and Review petition
may be filed in the
form of petition and
affidavit

② Docket may be
corrected as R.A. No.

③ order copy on O.A. No. 1478/97
may be filed

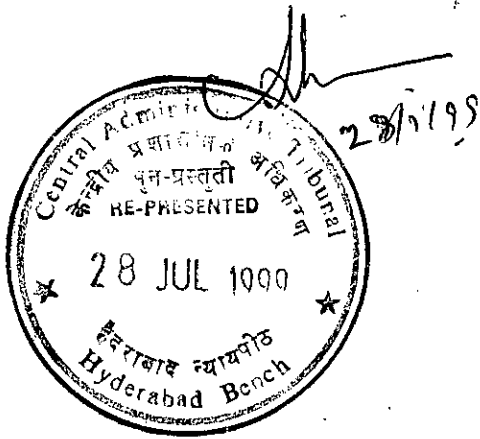


Re-submitted

① Candare delay petition
and Review petition
filed.

② Dockets corrected

③ order copy filed



Reg:- Review petition

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: BENCH : AT HYDERABAD

R.A.No.

OF 1999

in

O.A.No. 1478 OF 1997

Between:

B. Subbarayudu,

... Applicant
and

Director of Postal Services,
Kurnool and others.

... Respondents



Review Petition

Received copy on behalf
of - B. Narasimha Sharma
Sr. C.A.S.C.

per me priya V
14/7/99

B. NARASIMHA SHARMA
Sr. Central Govt.
Standing Counsel,
Central Administrative,
Tribunal, Hyderabad.

Filed by:
Smt. A. Anasuya,
Counsel for Applicant

per me
14/7/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

REVIEW APPLICATION NO. 69 OF 1999
IN
ORIGINAL APPLICATION NO. 1478 of 1997

DATE OF JUDGMENT: 26th AUGUST, 1999

BETWEEN:

B.SUBBA RAYUDU

.. APPLICANT

AND

1. The Director of Postal Services,
O/o PMG, A.P.Southern Region,
Kurnool,
2. The Superintendent, Railway Mail Service,
A.G.Division, Guntakal,
3. The Sub Record Officer, Railway
Mail Service, A.G.Division,
Cuddapah.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Smt.A.Anasuya

COUNSEL FOR THE RESPONDENTS: B.NARASIMHA SARMA, Addl.CGSC

CORAM:

HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.))

Heard Mr.M.L.Prasad for Smt.A.Anusuya, learned
counsel for the applicant and Mr.Jacob for Mr.B.Narsimha
Sarma, learned standing counsel for the respondents.

2. The applicant ^{has} filed this Review Application
praying for reviewing the order dated 6.4.99 passed in OA

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NO.1478/97. By the said order, the Original Application was dismissed.

3. The main contention of the applicant in the R.A. is that the respondents while reviewing the order of termination as directed by this Tribunal in OA 1506/96 decided on 30.6.97 considered genuineness or otherwise of the Vth Class certificate produced by him instead of the certificate produced for 8th Class.

4. In fact the applicant at the time of entering into service had produced 8th class certificate. When the respondent-authorities noticed that the said 8th class certificate was a bogus one, the applicant appeared to have shifted the responsibility of production of the said certificate on the S.R.O. It was in this context that the earlier OA was decided and the respondents were directed to review the order. In the meanwhile, the applicant had also produced a 5th class certificate which was also found to be bogus one by the respondent-authorities.

5. While reviewing the order as per the direction in OA 1509/96 the respondents considered the question of genuineness of the 5th class certificate produced by the applicant, which was found to be bogus one.

6. The respondent-authorities in their reply filed on 2.11.98 had specifically stated that while considering the *educational* certificates produced by the applicant, they found both to be bogus. The applicant had not filed any rejoinder. While considering the OA, we felt that the applicant had

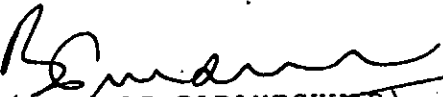
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produced both 8th class certificate and 5th class certificate which were found to be bogus and hence we confirmed the order of termination.

7. In that view of the matter, there is no error apparent on the record.

8. If the applicant feels that the direction given in the earlier OA was only to be confined to the 8th class certificate, he can take such proceedings as are available to him under law.

9. Hence the R.A. is dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
26.8.99


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 26th AUGUST, 1999
Dictated in the open court

vsn

10/9/99

✓

IST AND II NO COURT

COPY TO :-

1. HDHND
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A) ✓
5. SPARE ✓
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

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

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

THE HON'BLE MR. D.S. JAI PARAMESWAR :
MEMBER (JUDL)

* * *

DATE OF ORDER: 26/8/99

copy to :-

B. Subba Rayudu
S/o B. Peddla Nagabhi
occ: E.D.M.M.,
Cuddapah,
R/o Cuddapah

MA/RA/CP NO. 69/99
IN
DA. No. 1478/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS

✓ 4 copies

