

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00055/2015

HYDERABAD, this the 24th day of February, 2021

**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



1. Munepa S/o Paguntaiah,
Aged about 52 years,
R/o Near Hasancherlla, Kothakottala,
Guntakal, Ananthapuram District.
2. B. Ramanjaneyulu S/o Obulaiah,
Aged about 56 years,
Door No.6/619/82-1,
Kothakottala,
Guntakal, Ananthapuram District.
3. K. Ramudu S/o Nagabusappa,
Aged about 59 years, R/o Namcharla Village,
Alluru Taluq, Kurnool District.
4. B. Ramudu S/o B. Rangaiah,
Aged about 59 years,
R/o Bantan Hall Post,
Alluru Taluq, Kurnool District.
5. B. Olanna S/o Chenchulappa,
Aged about 55 years,
Bantan Hall Post,
Alluru Taluq, Kurnool District.
6. Ramanjanayya S/o Ramaiah,
Aged about 58 years,
R/o Dollapuram Village,
Alluru Taluq, Kurnool District.
7. Hussain Saheb S/o P.V. Dasthagiris,
Aged about 60 years,
R/o Chippagiri Post, H.No.1/59,
Alluru Taluq, Kurnool District.
8. Hanumanna S/o Thimayya,
Aged about 54 years,
R/o Pattapuram Village,
Alluru Taluq, Kurnool District.



9.B.Linganna S/o B.Sunkanna,
Aged about 55 years,
R/o Banten Hall Post,
Alluru Taluq, Kurnool District.

10.Y.Masthani S/o Y.Veerappa,
Aged about 53 years,
R/o Mastanpeta, Door No.6/939,
Alluru Taluq, Kurnool District.

11.B.Linganna S/o Swamanna,
Aged about 53 years,
Bantan Hall , D.No.2/34,
Alluru Taluq, Kurnool District.

12.G.Satyanna S/o Munepappa,
Aged about 56 years,
R/o Guntakallu, Ananthapuram Dist.

13.B.Linganna S/o Sunkappa,
Aged about 60 years,
Bantan Hall , D.No.2/34,
Alluru Taluq, Kurnool District.

14. B.Gopal S/o Narasimhappa,
Aged about 56 years, Door No.2/822, Mohinabadh,
Guntakal,Ananthapuram District.

15.Vedanayakam S/o Sundaram,
Aged about 53 years,
D.No.26-63-2-1-1, Sigarmanpeta,
Doon, Kurnool District.

16.S.K.Mahaboob Saheb S/o Sk.Fakuruddin,
Aged about 52 years,
D.No.26-165-7-2, Chiguruman Peta,
Doon, Kurnool District.

17.K.Veera Reddy S/o Venkata Reddy,
Aged about 55 years, R/o Banten Hall ,
Alluru Tqu, Kurnool District.

18.M.Naganna S/o Mallaiah,
Aged about 55 years, D.No.2/24,
Namcharla Post, Alluru Taluq,
Kurnool District.

19.Timmappa S/o Kareppa,
Aged about 52 years,
D.No.1157-84, Veedukattala,
Guntakal, Ananthapuram District.



20.Sekanna S/o Anjinaiah,
Aged about 53 years,
D.No.1/155-29-4, Diddukottala,
Guntakal, Ananthapuram District.

21.C.Gangadhar S/o Narayana,
Aged about 55 years,
R/o Banten Hall, Chippagirimandal,
Kurnool District.

22.Pedda Hanumanthu S/o Linganna,
Aged about 53 years,
R/o Banten Hall, Aluru Tq, Kurnool District.

23.R.Hanumanthu S/o Chinna Rangaiah,
Aged about 58 years, R/o Ganganagar,
Guntakal, Ananthapuram District.

24.C.Govindu S/o Tippanna,
Aged about 56 years,
R/o Door No.4/120 A, Chippagiri,
Aluru Tq, Kurnool District.

25.K.Choudanna S/o Tippanna,
Aged about 55 years,
R/o Kondakondla, Vjrakarur Mandal,
Uravakonda Tq, Ananthapuram District.

26.B.Somanna S/o B.Sunkamma,
Aged about 56 years,
Chippagiri Village, Aluru Tq, Kurnool District.

27.N.Yadagiri S/o N.Muddaiah,
Aged about 56 years,
R/o Chippagiri Village, Aluru Tq, Kurnool District.

28.P.Lalippa S/o PLatchapp,
Aged about 57 years,
R/o Pitchalavadu Village, Yedapankallu Mandal,
Vuravakonda Tq, Ananthapuram District.

29.C.Ramanjini S/o Anjinaiah,
Aged about 55 years,
R/o Chippagiri Village, Aluru Tq, Kurnool District.

30.K.Veeranna S/o Mallappa,
Aged about 56 years, R/o Modinabadh,
Kothakattalu, Guntakal, Ananthapuram District.

31.B.Narasappa S/o B.Anjinaiah,
Aged about 51 years, R/o Hampaiah Babu Colony,

D.No.1/182, Guntakal, Ananthapuram District.

32.O.Veeraiah Swamy S/o Veeranna,
Aged about 50 years, R/o Modinabadh,
Kothakattalu, Guntakal, Ananthapuram District.

33.A.Narayana S/o Veeranna,
Aged about 52 years,
R/o Near Hampaiah Kottalu, Door No.1/155-9,
Guntakal, Ananthapuram District.

34.R.Sanjeevi S/o Renumadvalir,
Aged about 52 years, R/o Renugunta CPWI,
Railway Konduru, Kadapah District.

35.T.Hanumanthu S/o Obanna,
Aged about 62 years, R/o Konakaondla Post,
Ananthapur District.

36.Uligappa S/o Peda Uligappa,
Aged about 61 years, R/o Modinabad,
Guntakallu, Ananthapur District.

37.K.Hanumanth S/o K.Dasappa,
Aged about 61 years, R/o D.No.6-1061,
Bhagyanagar, Gunthakallu, Ananthapur District.

38.Shagi Mallappa S/o Lingappa,
Aged about 64 years, R/o Chippagiri Village,
Aluru Tq, Kurnool District.

39.M.Timmappa S/o Sunkappa,
Aged about 63 years, R/o Modinabad,
Guntakallu, Ananthapur District.

40.Ibrahim Saheb S/o Himam Saheb,
Aged about 63 years, R/o Bhagyanagar,
Gunthakallu, Ananthapur District.

41.C.Pullaiah S/o Pullanna,
Aged about 63 years, R/o Donu Village,
Kurnool District.

42.Bandaiah S/o Lingappa,
Aged about 64 years, R/o Bantanahal Post,
Alluru Tq., Kurnool District.

(All the Employees Group D employees)Applicants

(By Advocate : Mr. G. Krupachand)

Vs.

1. The Union of India, rep by the Secretary to Government, Railway Board, Ministry of Railways, New Delhi.
2. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. The Chief Commercial Manager, South Central Railway, Rail Nilayam, Secunderabad.
4. The Divisional Railway Manager, South Central Railway, Guntakal, Ananthapur Dist.Respondents

(By Advocate : Mr. N.Srinatha Rao, SC for Railways)



ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OA is filed with a prayer to direct the respondents to consider the services of the applicants from the date of appointment instead of from the date of absorption and to provide all the benefits as other regular employees in the Railways.

3. Brief facts are that the applicants worked from 1976 as piece rate labour in the respondents organisation for transhipment of goods from meter gauge to broad gauge and vice versa. When the respondents tried to introduce the system of contract labour, the issue was unsuccessfully challenged in the Hon'ble High Court of A.P in WP No.4754 of 1987 and WA No.1472 of 1989. The issue was carried to the Hon'ble Supreme Court in SLP No.4259/1991 wherein based on the directions given, a scheme was evolved and the applicants have been absorbed. However, the services of the applicants were counted from the date of absorption and not from the date of initial appointment as piece rate labour. They also stated that the Hon'ble Apex Court, while directing the respondents to absorb piece rate labour, also directed that in case of any allied issues in respect of absorption, they can be agitated before the Tribunal. Hence, the OA.

4. The contentions of the applicant are that they have rendered nearly 20 years service before being absorbed. They are similarly situated like casual labour who have been granted many benefits like counting 50% of temporary status service for pension purposes. Applicants are not getting pension, medical facilities, family benefits etc. Applicants cited the verdict

of the Hon'ble Apex Court in Petition for Special Leave to Appeal (Civil) No. 20041/2008 dt.30.09.2011 to support their contentions.

5. Respondents in their reply statement state that there is unexplainable delay in filing the OA. Applicants are seeking employment benefits based on the judgments delivered in respect of casual labour. The applicants who worked as piece rate labour cannot compare themselves with casual labour because the wages, terms and conditions of engagement of the applicants are totally different. The Petition for Special Leave to Appeal (Civil) 20041 of 2008 disposed by the Hon'ble Apex Court is in regard to grant of temporary status and counting of casual labour service in respect of Project casual labour. Similar issue was decided in favour of the respondents by the Apex Court in CA No 3938/2017 in SLP (C) No.23723 of 2015.

6. None for the applicants. As seen from the record, applicants were represented only on the first occasion on 08.01.2015 and thereafter, there has been no representation though the matter was listed on several occasions. The matter pertains to the year 2015 and therefore, it was taken up for hearing. Heard the learned standing counsel for the respondents and perused the pleadings on record.

7. I. The dispute is about counting the services of the applicants rendered as piece rate labour before absorption as regular employees consequent to the directions of the Hon'ble Supreme court on the matter. Applicants claim that since they are on par with the casual labour except for the nomenclature, they should also get the same benefits as have been extended to the casual labour. We find it difficult to accept the contention because the casual labour with prescribed qualifications as prescribed for

Group 'D' have to be recruited after following the regular recruitment process and that too, against sanctioned vacancies. Whereas, for piece rate labour, such conditions of engagement do not exist. The wages of the casual labour are granted based on the rates fixed by the State/Central Governments and in contrast, the wages of piece rate labour is negotiated on a per ton basis. For Casual labour, a live register is maintained and they are granted facilities like issue of identity card, grant of pay scale, increments, CL, Medical facilities etc. on being granted temporary status. The casual labour are governed by the Conduct Rules depending on their status i.e. temporary, regular, etc. The temporary status casual labour are regularised after they render a minimum of 3 years of service. According to the respondents, in the Writ Appeal No. 1472/1989, filed by Piece Rate Labour, it was observed by the Hon'ble High Court that the appellants therein have conceded that they have no right to be regularised. The applicants have been absorbed as per the directions of the Hon'ble Apex Court, wherein there is no order in respect to the counting of the service as piece rate labour. Hence, from the above, it is evident that the past service of the applicants rendered as piece rate labour cannot be equated to the services rendered by the casual labour. Consequently, the benefits extended to the casual labour by various pronouncements of the Hon'ble Apex Court would not be available to the applicants. Further, while disposing a similar matter, Hon'ble Supreme Court in CA No 3938/2017 arising out of SLP No.23723/2015 has rendered a decision supporting the stance of the respondents. The applicants have not refuted the contentions of the respondents by way of a rejoinder, though the reply was filed way back in July 2019.



II. Thus, in the above circumstances, we find no merit in the OA and hence, the OA is dismissed with no order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

evr

(ASHISH KALIA)
JUDICIAL MEMBER