

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH BANGALORE

DATED THIS THE 15th DECEMBER 1986

PRESENT: HON'BLE SHRI CH. RAMAKRISHNA RAO, MEMBER (J)

HON'BLE SHRI P. SRINIVASAN, MEMBER (A)

APPLICATION NO. 1820/86(T)

Sri D. Prakash Rao,  
son of Sri D. Samuel,  
aged about 23 years,  
Working as C.P.C. Khalasi,  
T.No.121, IOW/WS/UBL, South  
Central Railway, HUBLI 20.

Applicant

(Shri S.K. Venkataranga Iyengar, Advocate)  
The Senior Divisional Engineer II,  
Works Branch, South Central Rly,  
Hubli Division, Hubli 20.

2. Sr. Divisional Personnel Officer  
Personnel Branch, S.C. Railway,  
Hubli Division, HUBLI 20.

3. The Inspector of Works,  
Works Workshop, S.C. Railway,  
HUBLI 20.

Respondent

(Shri M. Sreerangaiah, Advocate)

This application has come up for hearing before  
this Tribunal to-day, Member (A) made the following:

O R D E R

This is a transferred application received  
from the High Court of Karnataka.

The applicant joined the South Central Railway  
in November 1978 as a Casual Labourer or CPC Khalasi.  
By a letter dated 1.6.1982 issued by the Senior  
Divisional Engineer (Works Branch) Hubli, the  
applicant was informed that his services would  
not be required with effect from 1.7.1982

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"due to non-availability of works on hand and consequent upon reduction in the requirement of casual labour". He was given one month's notice of termination in accordance with section 25(F) of the Industrial Disputes Act, 1947. Thereafter he filed a writ petition before the High Court of Karnataka challenging his retrenchment on various grounds one of which was that others junior to him, who were also working as casual labourers at the time, had been given alternative employment in the Railways, and that the principle of "last come first go" had not been followed. This petition having been transferred to this Tribunal has come before us for disposal.

Shri S.K. Venkataranga Iyengar, learned counsel for the applicant urges that the applicant had been illegally removed from service after having worked as casual labourer continuously for more than 120 days, while persons similarly situated like him, had been offered alternative employment.


Shri M. Sreerangaiah, learned counsel for the respondents, informs us that alternative employment has not been barred in the case of the applicant. In the seniority list of temporary staff working under Inspector of Works, Hubli, the applicant figures at No.74. Since there was no work to be carried out in the Hubli Division, persons appearing at S.Nos. 67 to 76 including the applicant had been served with retrenchment notices. However, seven of these persons who


*P. H. K.*

were senior to the applicant and who figure at S.Nos. 67 to 73 had been provided alternative employment at Kharare where work was going on and the applicant would also be similarly accommodated on the same terms and conditions. In other words, the applicant, though retrenched from Hubli, will be provided employment wherever available on the same terms and conditions on which seven other retrenched employees senior to him were accommodated.

The retrenchment order passed in respect of the applicant was stayed by the High Court of Karnataka and in order to comply with the stay order, the applicant has been working in the office of the Assistant Engineer(Special Works) Hubli. Shri S.K. Venkataranga Iyengar informs us that he suffered an accident earlier and deserves sympathy because of that. However, in view of the assurance at the bar given by Shri Sreerangaiah on behalf of his clients, we are sure the Railway authorities will be able to accommodate the applicant in some other alternative employment where work is available. In view of this, the application does not survive for consideration.

In the result, the application is dismissed as having become infructuous subject to the observations made above. No order as to costs.

  
(CH. RAMAKRISHNA RAO)  
MEMBER (J)  
15.12.86

  
(P. SRINIVASAN)  
MEMBER (A)  
15.12.86