

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 11 AUG 1987

Application Nos. 513 to 520 & 658 to 660/87

Applicants

Shri P. Shiva & 10 Ors

To

1. Shri P. Shiva
ASK Palya, Shanthi Nagar
Tumkur Railway Station - 572102
2. Shri Anthony Samson
252-B, Railway Quarters
Bangalore - 560 023
3. Shri B. Seetharam Singh
C/o Saraswathi Bai
P-3, Corporation Quarters
Jakanayakana Kere
Bangalore - 560 020
4. Shri K. Manikantan
Bypanahalli
Railway Quarters
Bangalore - 560 038
5. Shri N. Gopala Samy
Byrappanahalli
Avothihalli Post
Devanahalli Taluk
6. Shri Munawarkhan
D.No. 321-I
Railway Quarters
Bangalore - 560 023
7. Shri S. Ameer Basha
71-C, New Railway Quarters
Yeshawanthapur
Bangalore - 560 022

Respondents

V/s The GM, Southern Railway, Madras & another

8. Shri S. Vittal Rao
No. 559, Kengeri Railway Station
Road
Bangalore - 560 060
9. Shri Revaiah
S/o Channa Hegde Shettalli P.O.
Mallur Hobli
Chennapatna Taluk
10. Shri N.V. Manjunath
Neduvandha
Nelamangala Taluk
11. Shri S. Subramani
265, 9th Cross
Gajendranagar
M.S. Nagar P.O.
Bangalore - 560 033
12. Shri S. Mahadevan
Advocate
53, S.C. Road
Bangalore - 560 009
13. The General Manager
Southern Railway
Park Town
Madras - 3

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Recd opp
B Seetharam Singh
.....2

21/8/87

d/c

14. The Divisional Railway Manager
Bangalore Division
Bangalore
15. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Buildings, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal
in the above said Applications on 31-7-87.

Encl : As above

R.V. Venkatesh Rao
DEPUTY REGISTRAR
(JUDICIAL)

9/c

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 31st DAY OF JULY, 1987

Present: Hon'ble Sri Ch. Ramakrishna Rao

Member (J)

Hon'ble Sri P. Srinivasan

Member (A)

A.Nos. 513 to 520/87 & 658 to 660/87

1. Sri P. Shiva ... A.No.513/87(F)
ASK Palya, Shanthi Nagar
TUMKUR Railway Station-572 102.
2. Sri Anthony Samsah ... A.No.514/87(F)
252-B, Railway Quarters
Bangalore - 560 023
3. Sri B. Seetharam Singh ... A.No.515/87(F)
C/o. Saraswathi Bai
P-3, Corporation Quarters
Jakanayakana Kere
Bangalore-560 020.
4. Sri K. Manikantan ... A.No.516/87(F)
Bypanahalli
Railway Quarters
Bangalore - 560 038.
5. Sri N. Gopala Samy ... A.No.517/87(F)
Byrappanalli
Avothihalli Post
Devanahalli Taluk.
6. Sri Munawarkhan ... A.No.518/87(F)
D.No.321-I
Railway Quarters
Bangalore-560 023.
7. Sri S. Ameer Basha ... A.No.519/87(F)
71-C, New Railway Quarters
Yeshwantapur
Bangalore.
8. Sri S. Vittal Rao ... A.No.520/87(F)
No.559, Kengeri Railway Stn.
Road, Bangalore - 560 060.
9. Sri Revaiah ... A.No.658/87(F)
S/o. Channa Hegde Settalli
P.O. Malur, Hobli.
10. Sri N.V. Manjunath ... A.No.659/87(F)
Neduvandha
Nelamangala Taluk.
11. Sri S. Subramani ... A.No.660/87(F)
265, 9th Cross
Gajendranagar
M.S. Nagar P.O.
Bangalore - 560 003.

(Sri S. Mahadevan ... Advocate)
Vs.

..... Applicants



1. The General Manager
Southern Railway
Park Town
Madras - 3.
2. The Divisional Railway Manager
Bangalore Division
Bangalore.

..... Respondents

(Sri M. Sreerangaiah Advocate)

This application came up for hearing today. Hon'ble Sri P. Srinivasan, Member (A) made the following:

O R D E R

Application Nos. 513 to 520/87 have been listed under cases not ready for hearing. A.No.658 to 660 have come up for admission. The issues involved in all these applications are the same. Counsel for the applicants Sh. S. Mahadevan and Counsel for Respondents in A.No. 513 to 520/87 Sh. M. Srirangaiah were present in Court. So far as A.No.658 to 660/87 are concerned at our direction Sh. M. Srirangaiah learned advocate for the Railways has taken notice on behalf of the respondents and copies of the applications have been handed over to him. With the consent of counsel on both sides we proceeded to hear all the applications on merits. We proceed to dispose of the applications as follows:-

2. All the applicants were appointed as Waterman in the Railways and the appointment order stated that their appointment would be upto 30.6.1987. We understand that by subsequent orders their employment has been extended to 31.7.1987. It is explained on

P. Srinivasan

behalf of the respondents that Waterman are engaged according to seasonal requirements and that is why they are engaged for specific periods and in this case it was upto 31.7.1987. The service of all the applicants, therefore, expires today, i.e., 31.7.1987 in accordance with the letter of appointment. The practice in the Railway is to keep a list of persons engaged as Waterman from time to time and arrange them according to the number of days that they have worked in that capacity from time to time and when the question of fresh appointment comes up those who had put in maximum length of service in various spells in the past are preferred for such appointment. Apart from this some persons are given appointment on compassionate grounds e.g., when their parents who are working in Railway die while in service. Applicant in A.No.660/87 was engaged on compassionate grounds. The applicants have prayed that their service be regularised and not terminated on 31.7.1987. Sh. Mahadevan drew our attention to a letter dated 25.1.1985 of the Railway Board circulated by the Divisional Personnel Officer, Bangalore, with his letter dated 6.3.1985 (Annexure-B). In that letter it has been stated that Waterman employed in the summer seasons should be eligible for temporary status on completion of 120 days of continuous employment. For the purpose of counting the total no. of days of continuous employment, various spells of engagement as casual Waterman may be aggregated provided that the gap between two spells was due to there being no work to engage them and not because



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they rejected employment when offered.

3. Sh. M. Srirangaiah points out that the Railway Board Circular dated 25.1.1985 relied upon by Sh. Mahadevan does not support his case that the service of the application should not be terminated on 31.7.1987. It merely says that after completion of 120 days of continuous employment in successive spells, Watermen should be given temporary status for the purpose of salary to be drawn by them and should not be continued on daily wages. It does not say that after being given temporary status their service should not be terminated when their term of employment expires. He confirms that when Waterman are engaged, consideration is given for the no. of days they have worked earlier as Waterman in different spells and those who have worked longest are given preference, in addition to persons who are appointed on compassionate grounds. He, therefore, contends that there is no merit in the application.

4. Replying to Sh. Srirangaiah, Sh. Mahadevan contends that once a Waterman is given temporary status it is not necessary that he should be continued only as Waterman. He could be considered for other posts according to his suitability and qualification. Therefore, the applicants can be given temporary status even now and continued on any other posts that may be available.

5. We have considered the submissions of both counsel carefully. We are of the view that

P. J. V. S.

once an appointment is given for a specific period it stands automatically terminated on the expiry of the period. The applicants have no right to continue beyond that date. However, we direct the respondents to consider the case of the applicants for fresh appointment when recruitment is made next taking into account the number of days they have already worked as Waterman subject, of course, to appointment of persons on compassionate grounds like applicant in Application No.660/87. As and when the applicants are taken into employment on the basis they should be given temporary status in terms of Railway Board letter dated 25.1.1985.

6. We also hope that taking into account the service rendered by the applicant, the respondents will also consider the cases of ^{for} the applicants/appointment to other posts, subject to their being found suitable and qualified for such posts according to the relevant rules.

7. The applications are disposed of on the above terms. Parties to bear their own costs.



P. V. Venkatesh Reddy
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd---

MEMBER (J)

Sd---

MEMBER (A)

"True copy"