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REVIEW APPLICATION NO. 18 OF 1988

in

ORIGINAL APPLICATION NO.263/1987.

This is a review application for revising our Order dated 5th January, 1988 in O.A.No.263/1987 in which we had directed that the applicants be given temporary status w.e.f. 1-1-1984 on the basis of the Railway Board's Circular No.E(NG)II/84/CL/41 dated 11-9-1986. In this Review Application, it is contended by the Railways that insofar as applicants nos.1 and 2 in the main application are concerned, viz., T. Nagaraju and A. Munivelu, the above Circular would not apply to them as they were appointed subsequent to 1-1-1981.

2. We have heard the learned standing counsel for the Railways Sri P.Venkataram Reddy and Shri G.Ramachandra Rao. It is contended by the learned respondents(applicants in main OA) counsel for the/ that the Circular dated 11-9-1986 has no application to casual labour appointed after 1-1-1981 and it is only casual labour who were appointed before 1-1-1981 could be given temporary status w.e.f. 1-1-1981 or the date on which they had completed 360 days whichever is latter.

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3. We have considered these points earlier in our judgment dated 5-1-1988 in the main O.A. Para 5(1) of the Railway Board's Circular dated 11-9-1986 reads as follows :-

"5.1 As a result of such deliberations, the Ministry of Railways have now decided in principle that casual labour employed on projects (also known as "project casual labour") may be treated as temporary on completion of 360 days of continuous employment. The Ministry have decided further as under :-

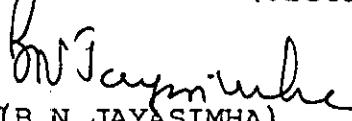
(a) These orders will cover :

(i) Casual labour on project who are in service as on 1-1-1984 and

(ii) Casual labour on projects who, though not in service on 1-1-1984, has been in service on Railways earlier and had already completed the above prescribed period (360 days) of continuous employment or will complete the said prescribed period of continuous employment on engagement in further."

If the contention of the Railways is accepted, then the applicants will be entitled to claim temporary status immediately after completing 360 days which will be earlier to 1-1-1984. The contention that the above Circular itself does not apply to those who were engaged after 1-1-1984 cannot be accepted in view of what para 5.1 of the Circular (extracted above) says. In the result, we find no reason to review our orders dated 5-1-1988 in the main O.A. The Review Application is accordingly dismissed.

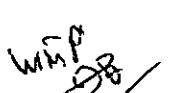
(dictated in open court)


(B.N. JAYASIMHA)
Vice-Chairman.

10-10-1988.


(D.SURYA RAO)
Member (Judl.)

RSR°


Deputy Registrar(J)