

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 320 of 1989

Date of Decision : 29-11-1990

~~XXXXXX~~

G.Francis

Petitioner.

Shri S.Laxma Reddy, Advocate.

Advocate for the  
petitioner (s)

Versus

Divisional Railway Manager  
(Personnel), SCR, Sec'bad,  
& 2 others

Respondent.

Shri N.R.Devraj, Addl.SC for  
Railways

Advocate for the  
Respondent (s)

CORAM :

THE HON'BLE MR. B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HON'BLE MR. D.SURYA RAO, MEMBER (JUDICIAL).

1. Whether Reporters of local papers may be allowed to see the Judgement ? No
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgment ? No
4. Whether it needs to be circulated to other Benches of the Tribunal ? No
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

  
(B.N.J.)

  
(D.S.R.)

31

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.320 of 1989

Date of order: 29-11-1990.

Between

G.Francis

... APPLICANT

A N D

1. Divisional Railway Manager (Personnel),  
South Central Railway Broad Gauge,  
Secunderabad.
2. Divisional Medical Officer (B.G.),  
S.C.Rly., Secunderabad.
3. Divisional Medical Officer (Poly Clinic),  
S.C.Rly., Kazipet, Warrangal district.

... RESPONDENTS

Appearance:

For the applicant : Shri S.Laxma Reddy, Advocate

For the Respondents : Shri N.R.Devraj, Addl.SC for Rlys.

CORAM:

The Hon'ble Shri B.N.Jayasimha, Vice-Chairman

The Hon'ble Shri D.Surya Rao, Member (Judicial)

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(JUDGMENT OF THE BENCH DELIVERED BY  
THE HON'BLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN)

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This is an application from a Casual Labour/  
Substitute in the South Central Railway against his non-  
inclusion in the Live Register for screening of casual  
labour substitutes.

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2. The facts not disputed are: The applicant was engaged on 8-12-1983 and he worked continuously upto 5-9-84. He was discharged on 5-9-84 consequent to a permanent employee coming on transfer from D.M.O.'s Office, Lalaguda. The applicant being the junior most among the three substitutes working, had to be discharged. He was re-engaged on 22-10-84 for a day and according to the Respondents, inadvertently, along-with Sri M.Peddaiah, and both were discharged from 23-10-84 as a decision had been taken that regular Safaiwalas only would be appointed as Hospital Attendants. Later, in November 1984, two vacancies of Safaiwalas arose and the applicant could not be engaged as he did not present himself for such engagement. His senior Sri M.Peddaiah and another junior substitute Sri B.Swamy were, therefore, engaged. In accordance with the instructions of the C.P.O., in his letter dated 1-4-1986, a Live Register of Casual Labour/Substitutes was opened on 4-6-1984 for persons who were present as on 1-8-1985. As the applicant was not present since 1-11-1984, his name was not taken into Live Register. The applicant made representations from time to time and he was informed on 13-2-1989 that <sup>as</sup> his name stands deleted from the Live Register, he could not be considered for regular appointment as Class-IV employee.

3. We have heard Shri S.Laxma Reddy, learned counsel for the applicant and Shri N.R.Devraj, learned Additional Standing Counsel for Railways, on behalf of the Respondents.

6/11/89

P. 3

To

1. Divisional Railway Manager (Personnel),  
South Central Railway, Broad Gauge,  
Secunderabad.
2. Divisional Medical Officer (BG.),  
S.C. Rly., Secunderabad.
3. Divisional Medical Officer (Poly Clinic),  
S.C. Rly, Kazipet, Warrangal District.
4. Copy to Shri S. Laxma Reddy, Advocate,  
Advocates' Association, High Court  
Buildings, Hyderabad.
5. Copy to Shri N.R. Devraj, Addl. SC for  
Railways.
6. One Speare Copy.

srr/

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4. From the facts as revealed from the application and the counter, it is clear that the applicant was in service during the period from 8-12-1983 continuously upto 5-9-1984. He had, therefore, completed 180 days of continuous service and was entitled to temporary status. It is also clear from the counter that a Live Register was directed to be opened by the C.P.O. vide his letter dated 1-4-1986. This Live Register was opened w.e.f. 4-6-1984. In doing so, persons present as on 1-8-1985 have been included therein. If all persons, who were in service as on 4-6-1984 were included in the Live Register, the applicant's name would also have found a place therein. No reasons are given for non-inclusion of persons who were working as on 4-6-1984 in the Live Register. We are, therefore, of the view that non-inclusion of the name of the applicant in the Live Register cannot be sustained and the applicant is entitled for getting <sup>included</sup> ~~including~~ his name in the Live Register. The order dated 3-2-1989 informing the applicant that his name was not included in the Live Register and, therefore, he was not entitled for consideration for further appointment has to be set aside.

5. The Application is allowed with a direction to the Respondents to include the name of the applicant in the Live Register and to re-engage him as and when work is available and consider him for regular appointment when a regular vacancy in class-IV post arises. No costs.

(Dictated in open court)

*B.N. Jayasimha*  
(B.N. JAYASIMHA)  
VICE-CHAIRMAN

*D. Surya Rao*  
(D. SURYA RAO)  
MEMBER (JUDICIAL)

Dated: 29th November 1990.

mhb/

*S. Jayaram*  
Deputy Registrar (JP)

CHECKED BY  
TYPED BY

APPROVED BY  
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. B. N. JAYASIMHA : V.C.  
AND

THE HON'BLE MR. D. SURYA RAO : M(J)  
AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

DATE: ~~24-9~~ 29/11/90

ORDER / JUDGEMENT:

M.A. / R.A. / C.A. No.

in

T.A. No.

W.P. No.

O.A. No. 320/1989

Admitted and Interim directions  
issued.

Allowed. ✓

Dismissed for default.

Dismissed as withdrawn. Jan 1991

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

