

(31)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.321 of 1989.

Date of Judgment 17-4-1998

K.Vijayakumar
& 2 others

.. Applicants

Versus

The Divisional
Railway Manager,
South Central Railway,
Vijaywada
& 2 others

.. Respondents

Counsel for the Applicants : Shri N.Ramamohan Rao,
Advocate.

Counsel for the Respondents : Shri N.R.Devaraj,
SC for Railways.

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl).

Hon'ble Shri R.Balasubramanian : Member(Admn).

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) I

This is an application filed under section 19
of the Administrative Tribunals Act by Shri K.Vijaya-
kumar and 2 others against the Divisional Railway
Manager, South Central Railway, Vijaywada and 2 others.

2. The applicants were recruited as casual labour in
January, 1978 in the Unit of Bridge Inspector, South
Central Railway, Rajahmundry. Later they acquired
temporary status. From time to time the respondents
conducted screening of casual labour for the purpose of

32

determining their eligibility for regularisation.

One such list was prepared in August, 1981 in which 71 persons were empanelled including the 3 applicants. The names of the 3 applicants were at serial numbers 64, 65 and 66. Out of this list of 71 names, candidates upto serial 63 had already been regularised, the last one viz: serial 63 on 4.4.84. While stopping there they conducted another screening for preparing a fresh panel. The applicants are aggrieved that while they were empanelled earlier they have not been regularised and the respondents attempted to prepare a new panel to appoint others on a regular basis. They have prayed that the Tribunal direct the respondents to appoint the applicants regularly.

3. The respondents have opposed the prayer. They contend that candidates from serial 64 onwards of the list of 71 names could not be absorbed due to non-availability of permanent posts. They also contend that the unoperated portion of the panel had lapsed and therefore the applicants have no right to be considered for absorption by virtue of their figuring in the old panel. It is also their contention that now the Division as a whole is a recruiting unit and not the various sub units as was the practice obtaining earlier.

4. We find that in a similar case pertaining to the same panel of 71 names, 3 persons ^{figuring at Serials 68, 70 and 71} approached this

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To:

1. The Divisional Railway Manager, (Personnel Branch)
SC railways, Vijayawada.
2. The Senior Divisional personnel officer, south central
railway, Vijayawada.
3. The Assistant Engineer, Bridges, south central railway,
Vijayawada.
4. One copy to Mr. N. Rammohan Rao, Advocate, 604 'A' Block
Brundawan Apartments, Red Hills, Hyderabad-4.
5. One copy to Mr. N. R. Devaraj, SC for Railways, CAT, Hyderabad.
6. One copy to Hon'ble Mr. R. Balasubramanian: Member: (A),
CAT., Hyderabad.
7. One spare copy.

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Ans
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Tribunal in O.A.No.389 of 1989. In fact, that O.A. was filed with the Tribunal on 8.5.89 later than the present O.A. which was filed on 17.4.89. The prayer of the 3 applicants in O.A.No.389 of 1989 was also for regularisation by virtue of their inclusion in the panel of 71 names. In the judgment dated 19.3.90 in O.A.No.389 of 1989 the contention of the applicants had been upheld and it was ordered:

"We hold that the applicants, who were included in the 1971 panel prepared on 6.8.1981, must be absorbed first before the respondents go to the 2nd panel prepared on the basis of screening test conducted on 22.4.1989 and the applicants should be absorbed in the existing vacancies or in the posts that are likely to arise in future before proceeding to the 2nd screening test conducted on 22.4.1989. The names of the applicants should be put on the top of the list in preference to those casual labour who have been screened and selected in the test held on 22.4.1989.

The application is allowed accordingly. The respondents are directed to implement these orders within three months from the date of receipt of these orders. There will be no order as to costs."

5. We feel that the case before us is just the same as O.A.No.389 of 1989 and the applicants occupy a higher position ^{in the list} than the beneficiaries in O.A.No.389 of 1989.

We therefore extend the same order as in the case of O.A.No.389 of 1989 to the application also.

MS

(J.NARASIMHA MURTHY)
Member(Judl).

R. Balasubramanian
(R.BALASUBRAMANIAN)
Member(Admn).

Dated 17-4-1990

REGISTRAR

CHECKED BY

TYPED BY:

COMPARED BY :

IN THE CENTRAL ADMINISTRATIVE TRIBU-
NAL:HYDERABAD BENCH:HYD.

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

HON'BLE MR.D.SURYA RAO: MEMBER:(JUDL)

A N D

HON'BLE MR.J.NARASIMHA MURTHY(M)(J)

A N D

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

DATED:

17-4-90

ORDER/JUDGMENT:

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

in

T.A.No.

W.P.No.

O.A.No. 321/88

Admitted and Interim directions
issued.

Allowed.

Dismissed for default.

Dismissed.

Disposed of with direction.

M.A. ordered.

No order as to costs.

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