

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.702/89

Date of Order: 12.10.1992

BETWEEN:

Adapa Venkateswarlu

.. Applicant.

A N D

1. The Divisional Railway Manager,  
S.C.Railway, Vijayawada.
2. The Divisional Personnel Officer,  
S.C.Railway, Vijayawada.
3. The Traffic Inspector,  
S.C.Rly., Guntur.

.. Respondents.

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Counsel for the Applicant

.. Mr. P.Krishna Reddy

Counsel for the Respondents

.. Mr.N.V.Ramana, Addl. Secy.

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CORAM:

HON'BLE SHRI S.B.GORTHY, MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

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(Order of the Division Bench delivered by

Hon'ble Shri A.B.Gorthi, Member(Admn.) ).

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Aggrieved by the respondents' refusal to absorb him as a casual employee, the applicant has approached the Tribunal with a prayer that the respondents be directed to absorb him as casual labourer under the 3rd respondent or in any other Unit in Vijayawada Division of South Central Railway.

2. The applicant stated that he joined as Railway Casual Labour on 10.10.1975 under the permanent Way Inspector, Nuzvid in Engineering Unit. He worked there up to 9.3.1976. He worked again from 3.7.1977 to 15.4.1978. He was retrenched from the service on 13.8.1980. The applicant claimed that as he completed 180 days of continuous service, he is entitled to temporary status and also for 1/30th pay. In view of certain admissions made by the respondents in their reply affidavit it is not necessary to traverse through all the averments made in the application. The respondents have admitted that the applicant had worked for a total period of more than <sup>180</sup>~~120~~ days between 1977-78 with the usual technical breaks. They have further, admitted that the case of the applicant was registered under No.1610/4151 and his application for absorption was duly considered by a screening committee. The applicant's case however was rejected by the screening committee "as no reasons were recorded in the Casual Labour service card for discharging him from service". The respondents have further elaborately brought out as <sup>to</sup> how certain claims made by the applicant were in-correct/false and accordingly asserted that his case did not deserve to be considered for regular absorption.

3. At the out-set we find that the respondents come to the conclusion that some of the claims made by the applicant were found to be incorrect on the basis of inquiry which appears to have been done behind the back of the applicant. In any case in view of the admissions of the fact that the applicant did work for more than 180 days under the respondents, it must be

To


1. The Divisional Railway Manager,  
S.C.Railway, Vijayawada.
2. The Divisional Personnel Officer,  
S.C.Railway, Vijayawada.
3. The Traffic Inspector, S.C.Rly, Guntur.
4. One copy to Mr P.Krishna Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, SC for Rlys, CAT.Hyd.
6. One spare copy.
7. One copy to Hon'ble Mr.A.B.Gorthi, Member(A)CAT.Hyd.
8. One copy to Mr.T.Chandrasekhar Reddy, M(J)CAT.Hyd.

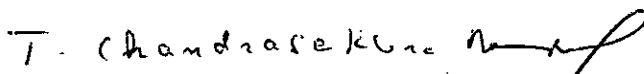
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held that his case was rightly placed before the screening committee for consideration for absorption. The reason for which the screening committee rejected the claim of the applicant does not seem to be proper. Casual Labour service card is prepared by the concerned officials and not by the individual employee himself. If there is any omission in the casual labour service card as regards the reasons for discharge, the responsibility for such omission lies with the concerned official and not with the applicant. The applicant cannot therefore be made to suffer for a lapse on the part of the concerned official.

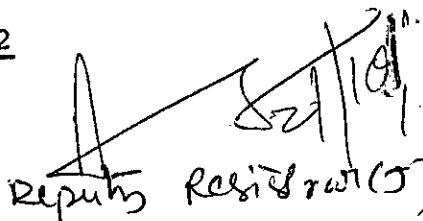
4. In view of the afore-stated, we find some merit in the contentions made by the applicant and we accordingly direct the respondents to consider the case of the applicant for re-engagement on the basis of the admitted facts, i.e. that he had worked continuously for more than 180 days between 1977-79. The case of the applicant will not be rejected on the sole ground that the reasons for his discharge were not indicated in the casual labour service card, but it shall be considered on merits. The respondents shall comply with this direction within 3 months from the date of communication of this OA. There shall be no order as to costs. OA is disposed of accordingly as indicated above.

  
A.B. GORTHI  
Member (Admn.)

  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 12th October, 1992

(Dictated in Open Court)

  
Deputy Registrar

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :  
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

Dated: 12-10-1992

ORDER/JUDGMENT:

~~R.A.~~ / ~~G.A.~~ / ~~M.A.No.~~

in

O.A.No. 702/89

T.A.No. (wp.No )

Admitted and interim directions  
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

pva

