

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 760/89  
T.A. No. -

Date of Decision : 22.1.1991 .

<u>H. Subbarayudu</u>	Petitioners
& 15 others	
<u>Shri P. Krishna Reddy</u>	Advocate for the
	petitioner (s)
Versus	

<u>The Chief Personnel Officer,</u>	Respondent.
South Central Railway, Rail Nilayam,	
Secunderabad & 4 others	
<u>Shri N.V. Ramana,</u>	Advocate for the
SC for Railways	Respondent (s)

CORAM :

THE HON'BLE MR. J. Narasimha Murthy : Member(Judl)

THE HON'BLE MR. R. Balasubramanian : Member(Admn)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
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)

HJNM  
M(J)

HRBS  
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.760/89.

Date of Judgment 22.1.1991.

1. H.Subbarayudu
2. G.Venkata Subbaiah
3. N.Lakshminarayana
4. P.Narasimhulu
5. A.Devadass
6. G.Lakshmaiah
7. M.Brahmaiah
8. N.Jayachandra
9. K.Nagaratnaiah
10. V.Prakasam
11. M.Jayaratnam
12. K.Anthony
13. A.Krishnaiah
14. K.Masthan
15. A.Venkat Rathnam
16. V.C.Govinda Swamy ... Applicants

Versus

1. The Chief Personnel Officer,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.
2. The Chief Engineer,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.
3. The Divisional Railway Manager(P),  
South Central Railway,  
Guntakal.
4. The Divisional Engineer,  
South Central Railway,  
Guntakal.
5. The Senior Divisional Personnel Officer,  
South Central Railway,  
Guntakal. ... Respondents

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Counsel for the Applicants : Shri P.Krishna Reddy

Counsel for the Respondents : Shri N.V.Ramana,  
SC for Railways

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CORAM:

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

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

1/12/89

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

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In this application filed under section 19 of the Administrative Tribunals Atc, 1985 by Shri H.Subbarayudu and 15 others against the Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad and 4 others a direction is sought for against the respondents to take the Division as the Unit for screening casual labour for regularisation.

2. The applicants are working as casual Khalasis under the unit of I.O.W. Gr.III, Nandalur of the Guntakal Division. In the regularisation of casual labour done in the Guntakal Division no uniform policy has been followed by the respondents according to the applicants. In the case of Headquarters Guntakal, 4 I.O.Ws had been combined into one list for this purpose. The I.O.Ws at Pakala, Nandyala and Triupati have been treated as different units. Renigunta and Nandalur have been clubbed as a single unit and Cuddapah and Gooty are treated as one unit for this purpose. As a result of this, some anomalies had crept in by which persons with less<sup>service</sup>/than the applicants have been regularised in some of the units. Aggrieved, the applicants pray that the Division as a whole should be taken as a single unit for the purpose of screening and regularisation.

3. The respondents oppose the prayer. It is their point that the Division is not the unit but the Inspector is the unit in the case of the Civil Engineering

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Department according to the circular issued by the Chief Personnel Officer, South Central Railway. They do not see any illegality in this and hence they oppose the prayer eventhough it is admitted by them that there may be some anomalies in that while in some units people with less service than the applicants might have been regularised whereas the applicants could not have been regularised within their own units.

4. We have examined the case and heard the learned counsel for the applicants and the respondents.

5. The first question is whether there has been any change in the practice~~s~~ while regularisation orders were issued on 29.4.89, 4.5.89, 6.5.89 and 7.6.89. The applicants have not alleged that in the case of these four orders there was a departure from the practice in the past. The respondents also stated that there had been no change in the practice in recent times and that since at least 1981 they had been following the same practice and there is no change. ~~As a result of smaller units being the criteria for screening, there is responsibility of anomalies~~ We find from the orders issued that in the case of Guntakal, the largest unit, where 217 persons have been regularised the <sup>Service</sup> range is between 6698 and 2372 days between the seniormost and the juniormost person regularised, in the case of Tirupati where 26 persons have been regularised the range is between 4309 and 3062 days, in the case of Nandyala where 18 persons have been regularised the

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range is between 3318 and 3308 days and in the case of Pakala where 31 persons have been regularised the range is between 3940 and 3150 days. As against this, the service length for the applicants ranges between 3582 and 3210 days. The question is whether regularisation in the strict order of length of service could be ensured even if the Division is taken as a unit. By taking the Division as a unit it is possible to ensure this <sup>within the division</sup> but then this problem may still exist among the various Divisions of the whole Railways unless the whole zone is taken as one unit. Is this possible? The casual labour class is the lowest rung in the Railways <sup>with</sup> ~~and~~ a very large size. ~~There is~~. The recruitment is basically done at the lowest level and therefore just to ensure that regularisation is done in the strict order of length of service a larger unit like the Division may not be administratively feasible in an Engineering Department where the casual labour <sup>force</sup> ~~employee~~ is large. If all these days the respondents had followed <sup>such a</sup> ~~one~~ practice and changed the practice only in the instant case which has led to a grievance for the applicants it is a different matter to be considered but such is not the case and all that the respondents have done is to continue the practice they had been adopting so far. That this has resulted in a grievance to the applicants is no doubt a fact which should be examined with a view to see if such anomalies can be avoided. As pointed out earlier, so long as there are different recruiting units

these anomalies will always exist in different magnitudes. Moreover, these are basically administrative decisions and the regularisation of casual labour in a certain order cannot be an overriding consideration for the Administration. It has been averred in the counter affidavit that the jurisdiction of the I.O.W., Renigunta is upto Nandalur and for the administrative convenience, one I.O.W. is headquartered at Nandalur to supervise the works and manage the staff and he comes under the control of the I.O.W., Renigunta who ~~will~~ supervises the entire work and draws the salary of the staff including Nandalur at Renigunta and it is only in Renigunta that all the records are maintained.

6. The applicants had prayed that the Division as a whole should be taken as a unit since they can straight-way get regularised if the Division as the whole is taken as a unit. We find from the copy of letter No.E(NG)II/79/CL/2 dated 27.7.81 of the Railway Board that this vexatious question has been engaging their attention. In that letter the Railway Board has recognised the fact that practices adopted in different zonal Railways are not uniform and since they could not come to ~~the~~ any conclusion and in line with the request of the major staff federations they had decided that the respective Railways should continue to observe their own seniority units as existing at that time for the purpose of screening. This was required to be done pending further examination of the question by the Railway Board.

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1. The Chief Personnel Officer,  
S.C.Railway, Railnilayam, Secunderabad
2. The Chief Engineer, S.C.Railway,  
Railnilayam, Secunderabad.
3. The Divisional Railway Manager(D)  
S.C.Railway, Guntakal.
4. The Divisional Engineer, S.C.Railway, Guntakal.
5. The Senior-Divisional Personnel Officer,  
S.C.Railway, Guntakal.
6. One copy to Mr.P.Krishna Reddy, Advocate CAT.Hyd.Bench
7. One copy to Mr.N.v.Ramana, MC for Railways, CAT.Hyd.
8. One copy to Hon'ble Mr.J.Narasimha Murty, Member(J)CAT.Hyd.
9. One copy to Hon'ble Mr.R.Balasubramanian, Member(A)CAT.Hyd.
10. One spare copy.

pvm

*Handwritten signature and date*  
24/11/51.

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Pursuant to this, the Chief Personnel Officer had issued Estt. Serial Circular No.64/87 vide No.P(E)407/Project/CL dated 23.4.87 and in that letter it had been clearly stated that the seniority unit for casual labour of open line will be the Inspector in the case of the Civil Engineering Department.

7. We find from the foregoing that:

- (a) a conscious decision to suit the administrative circumstances had been taken to treat the Inspector as a unit for screening in the case of the Civil Engineering Department.
- (b) the grievance of the applicants has not been caused by any <sup>recent</sup> change in the practice adopted by the respondents so far.
- (c) the type of anomalies the applicants point out cannot be altogether erased by treating the unit as a Division since in that case such anomalies will be escalated to the zone. These are administrative matters and so long as there is no illegality there is no case for us to interfere and we accordingly dismiss the application with no order as to costs.

*MS*  
( J.Narasimha Murthy )  
Member(Judl).

*R. Balasubramanian*  
( R.Balasubramanian )  
Member(Admn).

*23*  
Dated 22<sup>nd</sup> January 91 *[Signature]* 24/1/91  
Deputy Registrar(Judl)

CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH 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)

Dated: 22-1-1991.

ORDER / JUDGMENT:

M.A./R.A./C.A. NO.

in

T.A.No.

W.P.No.

O.A.No.

Admitted and Interim directions  
issued.

Allowed

Disposed of with direction

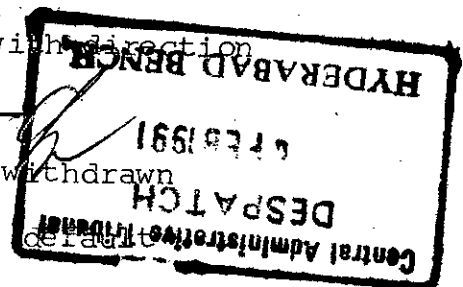
Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs.



*[Handwritten signature]*  
22/1/91