

ANNEXURE - I

Form of Index

List of papers in ORIGINAL APPLICATION 8-3/89

Sl.No. of papers.	Date of paper or Date of filing	Description of papers
	18-9-90	<u>PART-I</u> Original Judgement
	1-10-89	Original application and Material papers
D.	—	Counter
<i>A</i>	—	Reply counter
Sl/99.		<u>PART-II</u>
	1-10-89	Copy of O.A.
	1-10-89	Copies of material papers.
	—	Copy of counter
	—	Copy of Reply counter.
	1-10-89	Copy of Judgement.
	10-10-89	<u>PART-III</u>
	1-12-89	Vakalatnama
	16-11-89	Memo
		Notice.

Part-II and Part-III Destroyed.

8-1984

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Pre-delivery judgment in O.A.No.873/89
prepared by Hon'ble Shri R.Balasubramanian,
Member(Admn) for concurrence pl.

To

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

73
17/9/89

H JNM

for ^{copy}
2
17/9/89

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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 873/89.
-T.A.No--

Date of Decision : 18.9.90

P.Surayya

Petitioner.

Shri M.Rama Rao, Advocate

Advocate for the
petitioner (s)

Versus

P.W.Inspector, S.E.Railway, Srikakulam
& 2 others

Respondent.

Shri N.R.Devaraj, SC for Railways

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. J.Narasimha Murthy : Member(Jud1).

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.873/89.

Date of Judgment 18.9.90.

P.Surayya

.. Applicant

Vs.

1. P.W.Inspector,
S.E.Railway,
Srikakulam,

2. Divl. Personnel Officer,
S.E.Railway,
Waltair &

3. Divl. Railway Manager,
S.E.Railway,
Waltair

.. Respondents

For the applicant : Shri M.Rama Rao, Advocate.

For the respondents : Shri N.R.Devaraj, SC for Rlys

CORAM:

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

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

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

This application has been filed by Shri P.Surayya under section 19 of the Administrative Tribunals Act against the P.W.Inspector, S.E.Railway, Srikakulam and 2 others.

2. The applicant, a resident of Cheepurupalli Town in Srikakulam District was engaged by the 1st respondent as Gangman on daily wages for monsoon patrolling for a period of 4 months. The applicant claims that as per the seniority list of Cheepurupalli Unit as on 1.5.88 his position is 72 out of 141. Instead of continuing him for full 4 months from 24.6.89 to 19.10.89 the applicant alleges that he was not allowed to work beyond 29.6.89 i.e., 5 days after his commencing duty on 24.6.89. The applicant considers the action of the 1st respondent as illegal and arbitrary and claims now the wages for the entire period of 4 months and also Consequential benefits ~~also prays for regularisation.~~

3. The respondents opposed the prayer. Vide M.A.No.447/90 they sought the approval of the Tribunal to condone the delay in filing the counter affidavit. The delay is condoned and the counter affidavit is entertained thus disposing of the M.A.No.447/90. In the counter affidavit they point out that it was not the P.W.Inspector, Cheepurupalli that engaged him but it was the P.W.Inspector, Srikakulam Road. The applicant who was appointed on 24.6.89 worked only for 4 days upto 28.6.89 and thereafter did not turn up for duty and absented himself from duty. They deny the allegation that he was not allowed to work. It is their Contention point that since he absented himself from duty he has no claim for the wages for 4 months which he claims now.

4. We have examined the case and heard the learned counsels for both sides. We find from the appointment order that the P.W.Inspector, Srikakulam Road appointed the applicant for a period of 4 months from 24.6.89 to 19.10.89. On the one hand the applicant states that 5 days after he joined duty he was stopped from work and that he was going everyday to the site and that he was not allowed to work. On the other hand the respondents contend that after 4 days of work he absented himself from duty and did not ~~come~~ go for work. The applicant contends that had he ~~absent~~ absent himself from duty without the intention to work he would not have pursued the matter through representations to the higher authorities like the Divl. Railway Manager etc. Alongwith the application the applicant has produced an unsigned and undated copy of ^a the letter purported to have been written to the Divl. Railway Manager, Visakhapatnam against his discontinuation from service 5 days after the initial appointment. The applicant is a lower grade official and his first representation should have been to the man on the spot viz: the P.W.Inspector, Srikakulam Road. In any case the employment is only for a specific period of 4 months and we do not know when actually he addressed this letter.

9.3

to the Divl. Railway Manager in a far off place like Visakhapatnam. Even if such a letter had been addressed to the Divl. Railway Manager and even if the Divl. Railway Manager ~~sought~~^{Wanted} to intervene, by the time he intervenes the 4 months period would be over. The respondents described it as a ploy on the part of the applicant and we are not disinclined to believe this.

5. The respondents also contended that if they had decided to stop him from work they would not have kept his name on the rolls beyond 29.6.89. They produced the records and we find from the records that the applicant's name figures in the Srikakulam muster sheet for the entire period of 4 months and on all days he has been marked absent. We are therefore inclined to believe the contention of the respondents that they had kept him on the rolls for 4 months and that he did not turn up for duty. Under these circumstances there is no case for us to intervene in the matter and the application fails with no order as to costs.

NS

(J. NARASIMHA MURTHY)
Member (Judl.).

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

RB

Dated 18th September 90

D. J. Dohli
For Deputy Registrar (Judl) 21/9/90.

To

1. The P.W. Inspector, S.E.Railway, Srikakulam.
2. The Divisional Personnel Officer, S.E.Rly, Waltair.
3. The Divisional Railway Manager, S.E.Rly, Waltair.
4. One copy to Mr. M. Rama Rao, Advocate
Advocates Association, High Court of A.P. Hyderabad.
5. One copy to Mr. N. R. Devraj, SC for Rlys, CAT.Hyd.
6. One copy to Mr. R. Balasubramanian, Member (A) CAT.Hyd.
7. One copy to Mr. J. Narasimha Murty, Member (J) CAT.Hyd.
8. One spare copy.

pvm.

22nd Oct 1990

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.873/89.

Date of Judgment 18.9.90.

P.Surayya

.. Applicant

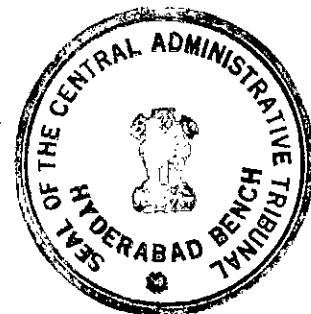
Vs.

1. P.W.Inspector,
S.E.Railway,
Srikakulam,

2. Divl. Personnel Officer,
S.E.Railway,
Waltair &

3. Divl. Railway Manager,
S.E.Railway,
Waltair

.. Respondents



For the applicant : Shri M.Rama Rao, Advocate.

For the respondents : Shri N.R.Devaraj, SC for Rlys.

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Jud1).

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

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

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*Di Subba Rao
21/4/90.*

To

1. The P.W.Inspector, S.E.Railway, Srikakulam.
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pvm.