

ANNEXURE-I

Form of Index

List of papers in ORIGINAL APPLICATION

880/ 89

Sl. No. of papers.	Date of paper or Date of filing	Description of papers
	26-12-90	<u>PART-I</u>
	3-11-89	Original Judgement
	-	Original application and Material papers
	-	Counter
	-	Reply counter
	3-11-89	<u>PART-II</u>
	3-11-89	Copy of O.A.
	-	Copies of material papers.
	-	Copy of counter
	-	Copy of Reply counter.
	26-12-90	Copy of Judgement.
	3-11-89	<u>PART-III</u>
	27-11-89	Vakalatnama
	8-11-89	Memo.
		Notice.

Part-II and Part-III Destroyed.

26/11/94

(20)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 880 of 1989

Date of Decision :

T.A.No.

Mr. Theilla Narasaiah

Petitioner.

Mr. P.Krishna Reddy

Advocate for the
petitioner (s)

Versus

The General Manager, S.C.Rly. & 6 others Respondent.

Mr. N.R. Devaraj, SC for Rly.s

Advocate for the
Respondent (s)

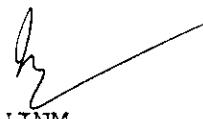
CORAM :

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)

Mo


HJNM
M(J)


HRBS
M(A)

(19)

O.A.NO.880 of 1989

Judgment as dictated by the Hon'ble Member (Judl.) (HJNM), is placed below for kind perusal.

②
17/12/90

HMJ. II

~~12/12/90~~

We may add in the last para that he will not be eligible for areas of wages when when he did not work.

HJA.

I agree

20/12/90

HJNM

It
19/12/90

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.880 of 1989

DATE OF JUDGMENT: 26-12-90

BETWEEN:

Mr. Thella Narasaiah .. Applicant

AND

1. The General Manager,
South Central Railway,
Secunderabad.
2. The Divisional Railway Manager,
South Central Railway,
Vijayawada.
3. The Senior Divisional Engineer-I,
South Central Railway,
Vijayawada.
4. The Divisional Engineer,
Restoration Works,
South Central Railway,
Kavali. Vijayawada
5. The Assistant Engineer,
Restoration Works,
South Central Railway,
Kavali.
6. The Assistant Engineer,
C.T.R. Works,
South Central Railway,
Bitragunta.
7. The Permanent Way Inspector,
Restoration Works,
South Central Railway,
Kavali. .. Respondents

FOR APPLICANT: Mr. P.Krishna Reddy, Advocate

FOR RESPONDENTS: Mr. N.R.Devaraj, SC for Railways

CORAM: Hon'ble Shri J.Narasimha Murthy, Member (Judl.)
Hon'ble Shri R.Balasubramanian, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI J.NARASIMHA MURTHY, MEMBER (JUDL.)

22

This is a petition filed by the petitioner for a relief to direct the respondents to reappoint him as a Gangman and give him seniority from the date when his junior was reappointed. The facts of the case are briefly as follows:-

The applicant joined the Railways as Casual Labour under Inspector of Works, O.H.E., Railway Electrification, South Central Railway, Nellore. After working there for some time, the applicant was stopped from duty. Once again, he was taken to duty as casual labour under Permanent Way Inspector/R.W., Kavali. The applicant continued to work under him till 10.8.1981, for more than 1½ years. He was stopped along with 49 others from duty. All the persons who were retrenched filed Writ Petition No. 5988 of 1981 before the High Court. The Honourable High Court disposed of the petition as follows:-

"The petitioners are casual labourers. They were retrenched from the service in the year 1981 for want of vacancies. It is needless to mention that under Section 25-H of the Industrial Disputes Act, the petitioners being retrenched employees are entitled to the preferential claim for any vacancies likely to arise in future. Therefore, Respondents 3 and 4 are directed to consider the case of the petitioners for the existing or future vacancies. The Writ Petition is accordingly disposed of. No costs."

2. Even before the writ petition was disposed of with the above directions, 28 out of 50 petitioners in the writ petition filed a petition before the High Court for interim directions. The High Court by an order dated 10.6.1985 directed the respondents therein to consider their cases in the existing or future vacancies pending the writ petition.

✓

(93)

At the time the petition was filed, the applicant was in his village laid up with fever. Under those circumstances, other writ petitioners in the writ petition filed the petition and obtained the above orders. In fact, similar orders were passed by the High Court at the time of final disposal of the writ petition also. Surprisingly, contrary to the directions of the High Court to consider the case of all the petitioners in the writ petition, only 28 persons in whose favour the earlier order was passed were taken to duty and they are continuing. According to the final orders of the High Court, the applicant being a retrenched employee is entitled to preferential claim for any vacancy that may likely to arise in future.

3. To the knowledge of the applicant, one Kolli Nageswara Rao was appointed on 1.11.1988, Nemali kanti Prasada Rao was appointed on 25.10.1988 and B.Ismail was appointed on 10.10.1988. All the above persons are juniors to the applicant. Ignoring the claim of the applicant, they were appointed. The applicant reliably learnt that still there are vacancies under the respondents 3 and 4.

4. The applicant was out of service from the month of August 1981. As a retrenched employee, his name should find a place in the live register. According to Section 25-H of the Industrial Disputes Act, he should be given preference on the basis of length of service. Under those circumstances, while 28 persons who were petitioners in Writ Petition No. 5988 of 1981 including Nageswara Rao and Prasada Rao were reengaged, the applicant is not given the same benefit. In fact, B.Ismail who is not one of the petitioners in the writ Petition No. 5988 of 1981, still he was given appointment order while the applicant was deprived of the same.

I
✓

To

1. The General Manager, South Central Railway, Secunderabad.
2. The Divisional Railway Manager, South Central Railway, Vijayawada.
3. The Senior Divisional Engineer-I, South Central Railway, Vijayawada.
4. The Divisional Engineer, Restoration Works, South Central Railway, Kavali.
5. The Assistant Engineer, Restoration Works, South Central Railway, Kavali.
6. The Assistant Engineer, C.T.R. Works, South Central Railway, Bitragunta.
7. The Permanent Way Inspector, Restoration Works, South Central Railway, Kavali.
8. One copy to Mr. P. Krishna Reddy, Advocate, 345-899, Himayatnagar, Hyderabad - 29.
9. One copy to Mr. N.R. Devaraj, SC for Railways.
10. One copy to The Hon'ble Mr. R. Balasubramanian, Member (A), C.A.T., Hyderabad Bench, Hyderabad.
11. One Spare Copy.

srr/

7077 7000166 01

15

... 4 ..

So, the applicant filed the present application for the above said reliefs.

5. No counter has been filed by the respondents.

Shri P.Krishna Reddy, learned counsel for the petitioner and Shri N.R.Devaraj, learned Standing counsel for the Railways/respondents, argued the matter. According to the orders in the Writ Petition No.5988 of 1981, all the retrenched employees, under Section 25-H of the Industrial Disputes Act, are entitled to the preferential claim for any vacancies likely to arise in future. Some of the petitioners in the above writ petition were reappointed denying the claim of the applicant herein who is senior to them. There are no grounds to neglect the case of the petitioner and similar benefits also must go to the petitioner as per the orders of the High Court in the above said writ petition. So, we direct the respondents herein to consider the case of the petitioner herein for reappointment as Gangman and appoint the petitioner from the date when his immediate junior was appointed and give the applicant all the consequential benefits such as seniority over his juniors. ~~etc.~~ He is not entitled to any back wages. The respondents are directed to implement this order within a period of two months from the date of receipt of this order.

6. The application is accordingly allowed. There is no order as to costs.

MS

R.Balasubramanian

(J.NARASIMHA MURTHY)
Member(Judl.)

(R.BALASUBRAMANIAN)
Member(Admn.)

Dated: 26 December, 1990.

Deputy Registrar (J)

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- 26/12/90

~~ORDER / JUDGEMENT:~~

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

In

T.A. No.

W.P. No.

O.A. No. 880/89

Admitted and Interim directions
issued.

Allowed. ✓

Dismissed for default.

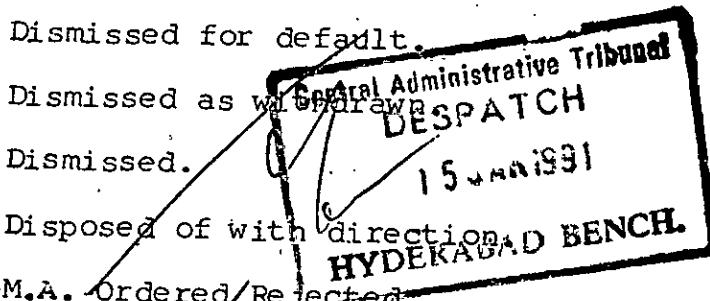
Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs. ✓



ANNEXURE

I

CAT/HYD/FORM.XVIII

FORM OF INDEX

LIST OF PAPERS IN

MA. NO. 175 OF 1990

Serial No. Papers on record	IN	Date of Paper OR Date of Filing	Description of Paper	Remarks
Part I Part. II Part III				
		28/3/90	MA	

One Spouse Copy

BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH: HYDERABAD.

M.A. NO: /90.

in

O.A. NO: 880, of 1989



PETITION to FIX AN EARLY DATE FOR
FINAL HEARING OF THE O.A.

*Received
Copy
10/3/90
P. D. D.
P. D. D.
SC
R*

Filed by:-

Sri. P. Krishna Reddy,
(Counsel for the applicant).

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

M.A. NO: 175 /90.

in

O.A. NO: 880 /89.

(U/A & (3) of case (P) Order 1987)

Between:-

Thella Narasaiah.

.... Applicant.

And

The General Manager, S.C. Railway,
Secunderabad & 6 others. Respondents.

Facts of the case:-

The applicant filed the above O.A. to direct the respondents to re appoint him as Gangman and give him seniority from the date when his juniors were re appointed.

The applicant was discontinued from the service since 1981. The applicant has no other source for his livelihood. He has to maintain a large family. It is therefore prayed that this Hon'ble Tribunal may be pleased to expedite the hearing of the above O.A. and fix an early date for Final hearing and pass such other order or orders in the interest of justice.

:VERIFICATION:

I, Thella Narasaiah, Son of Peda Sandaiah, aged about 32 years, resident of Bitragunta, Nellore District do hereby verify that the contents are true to my personnel knowledge and belief and that I have not suppressed any material facts.

T. S. Dasp

SIGNATURE OF THE APPLICANT.

HYDERABAD:

D/- 26-3-90.

N. 2

(Counsel for the applicant)

ATTESTED

Advocate, Hyderabad

RAILWAY

MA 175/90

in

OA 880/89

Fix on early date petition

Mr. P. Krishna Reddy
Counsel for the applicant

Mr. N. R. DevaRaj
Se for Rlys.

This is a petition filed by the petitioner for a relief to direct the respondents to reappoint him as a Gangman and give him seniority from the date when his junior was reappointed. The facts of the case are briefly as follows:-

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AT HYDERABAD

ORIGINAL APPLICATION NO.880 of 1989

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Applicant

AND



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... Respondents

FOR APPLICANT: Mr. P.Krishna Reddy, Advocate

FOR RESPONDENTS: Mr. N.R.Devaraj, SC for Railways

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

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

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
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6. The application is accordingly allowed. There is no order as to costs.

CERTIFIED TO BE TRUE COPY
.....
Date..... 2-1-91
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

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srr/