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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

TRANSFERRED/ORIGINAL APPLICATION NO. 904 of 1989

DATE OF ORDER: 5th February, 1990

BETWEEN:

Mr. P.Gangireddy & anotherx

APPLICANT(S)

and

The Divisiona Railway Manager,
S.C.Railway, Guntakal and 2 others

RESPONDENT(S)

FOR APPLICANT(S): Mr. P.Krishna Reddy, Advocate

FOR RESPONDENT(S): Mr. P.Venkatara Rama Reddy, SC for Rlys.

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

1. Whether Reporters of local papers may be allowed to see the Judgment?
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 Bench^{es} 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)

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ORIGINAL APPLICATION NO.904 of 1989

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

1st

The applicant herein joined in Railway service as casual labourer under PWI/KRY in Guntakal Division, South Central Railway on 12.2.1979 and worked till 21.3.1980 when he was stopped away for want of sanction. The 2nd applicant joined the Railway service as casual labourer under PWI/KRY in Guntakal Division of South Central Railway on 12.2.1979 and worked till 21.3.1980 and he was stopped away for want of sanction. Eventhough the applicants were ready and willing to continue as casual labourers, on the ground that there was no sanction, they were not permitted to work any more. Along with the applicants 16 persons were stopped away for the same reason. The Divisional Personnel Officer, Guntakal issued proceedings dated 20.6.1989 addressing to all supervisory officials of Engineering Department, Guntakal informing that it was proposed to engage casual labourers for carrying out special works in the Engineering Department of Guntakal Division in all establishments. As per the same, those Ex.casual labourers whose names are available in live casual labour x registers who were discharged prior to 1.1.1981 and whose names are included in the seniority list as on 1.4.1985 and also the candidates whose names are advised by the office of the Divisional Officer to be included in supplementary casual labour register, are eligible to be considered for engagement as casual labour. It is directed that the candidates who fulfilled the above conditions may apply for engagement of casual labour to the Assistant Personnel Officer (Engineering), S.C.Railway

Guntakal Division on or before 30.6.1988. Accordingly, the applicants and others submitted their applications within time. The Divisional Personnel Officer, Guntakal vide his proceedings dated 30.6.1988 directed that the names of the 18 Ex.casual labourers who were discharged prior to 1.1.1981 and who had applied before 31.3.1987 for inclusion of their names in the live register should be included in supplementary casual labour register. The said direction was given on due verification by the committee of officers constituted for this purpose. The proceedings were issued for reengagement of Ex.casual labourers following the circulars of the Railway Board dated 21.10.1987.

2. Following the instructions, the service particulars of the applicants along with other 16 candidates were duly verified by the committee of officers and all of them are found to be eligible for re-engagement. The applicants state that according to the seniority, their names are mentioned against Sl.Nos.5 and 12 in the list of 18 ex.casual labours. On 9.12.1988 the applicants informed to the Divisional Railway Manager, about the fraud and mischief played by some persons who are enimically disposed of towards the applicants. As apprehended by the applicants the Divisional Engineer/Coordination, Guntakal issued proceedings dated 14.12.1988 whereunder 16 ex.casual labourers were reengaged under Permanent Way Inspector/KHT and NRE to the exclusion of both the applicants. Hence, the applicants made a representation on 2.3.1989 to the 1st respondent. Since no action was taken, they made another representation on 5.4.1989. Finally the applicants made a representation on 5.11.1989 seeking redressal. For the reasons not known to the applicants, ~~the~~ no action is being taken so far. It is submitted that the action of the respondents in not reengaging the applicants as per

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the Railway Board's letter dated 21.10.1987 while engaging similarly placed juniors to the applicants is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India. Hence, this application is filed.

3. The respondents filed counter contending that a Committee consisting of three officers of Guntakal Division was constituted for screening and on verification of the service particulars, the Committee found the applicants and 16 other ex. casual labourers who were discharged prior to 1.1.1981, were found eligible to be empanelled for absorption into Group 'D' posts. Hence, their names were included in a supplementary live register. Subsequently, it has come to light on the basis of investigations made by the Vigilance Branch of the South Central Railway Headquarters Office that the applicants produced fake casual labour service cards to the effect that they were employed in different spells in the unit of PWI, Kadiri, during the period from 12.2.1979 to 21.3.80. The signature of PWI, Kadiri was forged. Moreover, in the LTI register, the original names under Sl.Nos. 159 and 162 were erased and the applicants' names were inserted. This was confirmed by the findings of the Government Examiner of Question Documents. In view of the fraud played by the applicants, they were ^{not} empanelled against Group 'D' posts in terms of the circular issued by the Railways. Hence, the application fails and it is to be dismissed.

4. We have heard the learned counsel for the applicants, and Shri P.Venkatarama Reddy, SC for Railways. It is represented by Shri Krishna Reddy, the learned counsel for the applicants that after giving notice to the parties concerned, the documents may be re-examined in their presence and

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that
 in that examination if they found the documents are faked
 and created for this purpose, they can be removed from
 the panel and if the documents are proved to be genuine
 in the enquiry, the applicants may be continued in the
 panel. The application is accordingly disposed of.
 There will be no order as to costs.

(Dictated in the open Court)

MS

(J. NARASIMHA MURTHY)
 Member (Judl.)

R. Balasubramanian

(R. BALASUBRAMANIAN)
 Member (Admn.)

Dated: 5th February, 1990.

S. Venkatarama Reddy
 DEPUTY REGISTRAR (J)
 19.2.90

TO:

1. The Divisional Railway Manager, South central railway, Guntakal.
2. The Divisional Engineer (Coordination) south central Railway, Guntakal.
3. The Senior Divisional personnel officer, south central Railway, Guntakal.
4. One copy to Mr. P. Krishna Reddy, Advocate, 3-5-899, Himayatnagar, Hyderabad.
5. One copy to Mr. P. Venkatarama Reddy SC for Rlys., CAT., Hyderabad.
6. One spare copy, NO. ~~1912/90~~

kj.

5/10/90
 19/2/90

Draft by: Checked by: Approved by:
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

~~HON'BLE MR. B. N. JAYASINHA: (V.C.)~~

~~A N D~~

~~HON'BLE MR. D. SURYA RAU: MEMBER (JUDGE)~~

~~A N D~~

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

A N D

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

DATED: 5.2.90

ORDER/JUDGMENT: ✓

~~M.A./R.A./C.A./No.~~ in

~~T.A.No.~~

~~(W.P.No.)~~

O.A.No. 904/89

Admitted and Interim directions
issued.

Allowed.

Dismissed.

Disposed of with direction.

~~M.A. Ordered.~~

No order as to costs. ✓

Sent to Xerox on:

Central Administrative Tribunal
DESPATCH
21 FEB 1990
HYDERABAD BENCH.