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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.108/89.

Date of Judgment 20.2.1990

V.Shankariah

.. Applicant

Vs.

1. The Divisional
Railway Manager,
Guntakal Divn.,
South Central Railway.
2. The Senior Personnel
Officer,
Guntakal Divn.,
South Central Railway.
3. The Divisional
Engineer,
Guntakal Division,
South Central Railway. .. Respondents

Counsel for the Applicant : Shri C.Venkata Krishna

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

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)]

Shri V.Shankariah has filed this application under
section 19 of the Administrative Tribunals Act, 1985
against the Divisional Railway Manager, Guntakal Division
South Central Railway and 2 others seeking a relief that
he be appointed to one of the posts of Khalasis.

2. It is stated that the applicant worked under the
Permanent Way Inspector as an extra labour during various

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spells from 3.11.66 to 20.7.80. The Divisional Office, Mechanical/Diesel Branch, Guntakal issued a note dated 14.4.81 showing that the petitioner was retrenched in March, 1979. However, he was engaged subsequent to this retrenchment from 1.7.80 to 20.7.80. The applicant made several representations to engage him as a casual labour but without success and to one such representation on 7.10.87 he received a reply dated 21.12.87/29.1.88 from the Divisional Personnel Officer stating that there was no engagement of casual labour in the Diesel Shed, Guntakal. It was also added therein that his case could not be considered at this distant date. The applicant claims that by virtue of his service from 6.1.78 to 20.8.78 and again from 6.9.78 to 6.2.79 he has acquired temporary status and is, therefore, entitled to regular posting. He prays that the respondents be directed to include his name in the list of candidates to be selected by virtue of circular No.G-P/564/IV/ELRS dated 20.6.88 issued by the Divisional Personnel Manager, Guntakal and also circular No.G/W/407/EZR/WAI dated 2.9.88 issued by the Divisional Senior Engineer, Guntakal and appoint him to one of the posts.

3. The prayer is opposed by the respondents. It is stated that though applications were called for for certain posts vide letter dated 20.6.88 by the Divisional Personnel Officer, the CE/OL/SC had advised that the work be managed with the existing casual labours available in the Live Registers of Open Line and

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Construction Organisation and that no ex-casual labour card holders should be re-engaged. The applicant is not borne on the Live Register of IOW(BG)GTL and does not have a chance of getting recruited by virtue of this letter. The respondents stated that no records are available to ascertain the service particulars claimed by the applicant, although they admit that he had worked under IOW(BG)GTL from 6.1.78 to 20.8.78 and again from 6.9.78 to 6.2.79. They confirmed that there is no engagement of casual labour in Diesel Shed, Guntakal Division and also that the posts of Khalasis in Diesel Shed would be filled by direct recruitment through a process of selection where the minimum qualification for the recruitment of Khalasi is VIIIth Class with I.T.I. It is also stated that in terms of Railway Board orders to give opportunity to the casual labour who had been discharged before 1.1.81 for want of work on completion of work he had been included in the supplementary casual labour live register of IOW(BG)GTL. The respondents stated that he would be engaged as casual labour as and when vacancies are available in the Engineering Department according to his priority in the live register.

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4. We have examined the case and heard the learned counsels for the applicant and the respondents. The applicant claims that he had worked from 3.11.66 to 20.7.80 although he is not able to account for a missing period 21.11.72 to 20.3.78. It is stated by him that for this period there was no service card maintained

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To

1. The Divisional Railway Manager, Guntakal Divn.,
S.C.Railway.
2. The Senior Personnel Officer,
Guntakal Divn., S.C.Railway.
3. The Divisional Engineer,
Guntakal Division, S.C.Railway.
4. One copy to Mr.C.venkata Krishna, Advocate
7-1-571, Subhash Road, Secunderabad
5. One copy to Mr.N.v.Ramana, SC for Railways, CAT.Hyd.Bench.
6. One copy to Mr. J.Narasimha Murty, Member(J)CAT.Hyd.Bench.
7. One copy to Mr.R.Balasubramanian, Member(A)CAT.Hyd.Bench.
8. One spare copy.

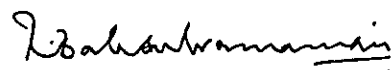
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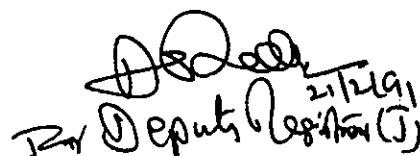
He also claims temporary status since, according to him, he fulfils the condition by 6.2.79. We find that on the strength of Senior Divisional Personnel Officer, Guntakal letter No.G/P.407/CL dated 9.1.81 the applicant was discharged w.e.f. March, 1979. The applicant cannot agitate against this at this distant date since it is a very badly delayed case and being a pre-1.11.82 case this is outside the jurisdiction of this Tribunal. The same is the case in regard to his claim for temporary status also. The respondents have stated that in terms of the Railway Board order to rehabilitate casual labour who were discharged prior to 1.1.81 for want of work his name has been included in the supplementary casual labour live register of IOW(BG)GTL after due verification. They have also assured that he will be engaged as casual labour as and when vacancies are available in the Engineering Department according to his priority in the live register. The applicant was retrenched w.e.f. 31.3.79 and since his name finds a place in the live register now, we feel that his interests are sufficiently protected and we see no scope to interfere in this case. Accordingly we dismiss the case with no order as to costs.



(J. Narasimha Murthy)
Member (Judl).



(R. Balasubramanian)
Member (Admn).



21/2/91
Deputy Registrar (J)

Dated 20th February 91 B

