

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A.No.106/90.

Dt. of Order: 6-9-1991

1. Smt.T.Narasamma

2. Smt.Sayamma

...Applicants

Vs.

1. General Manager,
S.C.Railway, Rail Nilayam,
Secunderabad.

2. The Workshop Personal Officer,
Loco Carriage & Wagon Workshop,
SC Railway, Lalaguda, Secunderabad.

3. Addl.Chief Mechanical Engineer,
Loco & Carriage, Wagon Workshops,
SC Railway, Secunderabad-17.

...Respondents

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Counsel for the Applicants : Shri B.Rajashekar Reddy

Counsel for the Respondents : Shri N.R.Devraj, SC for Rlys

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CORAM:

THE HON'BLE SHRI J.NARASIMHA MURTHY : MEMBER (J)

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

(Judgment of the division Bench delivered by
Hon'ble Shri J.N.Murthy, Member (J)).

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This application is filed for a relief to direct
the Respondents to regularise the services of the applicants
by absorbing them as permanent Railway Employees with all benefits
in the scales of Rs.752/- to 940/- or whatever scales the appli-
cants are entitled as per the Railway's salaries as Sweepers in
Loco Carriage Workshop Canteen where the applicants have been
worked for past 20 years on daily wages.

....2.

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The facts of the case are briefly as follows :-

The applicants have been working in the Loco Workshop Canteen, S.C.Railway, Lallaguda, Secunderabad from 1972 as a labourers on dailywages. The applicants have been paid time to time daily wages and their services were treated as full time workers in the third Respondent Canteen. The applicants have been paid by the Respondents as follows :

April 1982 to April 1983	@ Rs.5/- per day
May 1983 to March, 1984	@ Rs.7/- per day
April 1984 to July 1984	@ Rs.8/- per day
August '84 to May 1987	@ Rs.10/- per day
June, 1987 to August '88	@ Rs.12/- per day

During these period there are break of services and the applicant have not been paid for any break period. The applicants herein are illiterate women and have been neglected by the Respondents without any reason. Inspite of representations made by the applicants on 30-12-81, 30-12-82, 23-9-83, 29-5-84, 4-12-88 and finally on 24-11-89 all were received by the Respondents herein but the respondent failed to consider these applicants. The respondents were considered with and regularised 40 employees out of 42 employees with effect from 22-10-80 the lowest scales have been paid to them i.e. Rs.752/- to Rs.940/-. But the Respondents have failed and neglected to regularise the services of the applicants herein.

The temporary services of other forty employees who worked as a temporary employees along with these applicant's

made permanent basing on Judgement of the Supreme Court of India. The 40 temporary employees Services were regularised and absorbed as permanent employees at different canteens within the South Central Railway with effect from 22-10-80 whereas the applicants herein having completed about 20 years of services in South Central Railway on meager wages i.e. Rs.12/- per day and they are also not regularised. Hence this petition.

Respondents filed counter and the contents of the same are briefly as follows :-

It is stated in the counter that since the applicants are not working in the Canteen either on regular basis or against regular cadre posts and they are not on the rolls of the Canteen staff, as such the services of the applicants could not and cannot be regularised. They are not Casual Labours engaged by the Railways. They are also not engaged by Canteen on this basis, the applicants herein will be engaged only for a similar purpose of cleaning the provisions and no roster was maintained or observed for them. Normally they come at 10 a.m. and after completing their routine work i.e. cleaning roughly 40 Kgs. of wheat they go away. This work does not involve more than 3 to 4 hours time. They are not paid from the Railway revenues but they are being paid from the canteen daily sales. It is further submitted that the applicant's were treated as full time workers is not true. They work roughly four hours a day

Rates of daily wages paid to them are more compared to Casual Labours engaged by Railways from 1980. These two applicants were asked to work as Casual Labour but they refused to accept since their emoluments were more than the Casual Labours engaged by the Railways. The services of Casual Labours engaged during 1980 were regularised on par with other canteen employees who completed 180 days of continuous service as per the extent rules. The applicants are not Casual Labours as per rule 2601 and 2302 of Indian Railway Establishment Manual. It is also stated that the regular strength of the canteen is 40 and Canteen is working with full strength and there is no vacancy available now.

dt.24-11-89

It is also submitted that the representation/submitted by the applicants was not disposed of as Railways have nothing to do with the applicants and they were not engaged as Casual Labourers by the administration. The Canteen Manager and a member of the elected body of the employees will be supervising the performance of the applicants. Hence the applicants have erroneously approached the administration. For the reasons stated above, it is contended that there are no merits in the original application and is liable to be dismissed.

We have heard Shri B.Rajashekar Reddy, learned counsel for the applicant and Shri N.R.Devraj, learned standing counsel for the Respondents. The applicants are working ~~as~~ on ^{basis} Casual ~~Labours~~ in the Respondents office i.e. the Railways


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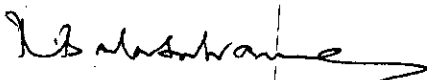
from last 20 years. They made repeated representations to the department on 30-12-81, 30-12-82, 29-5-84, 4-12-88 and on 24-11-89 to regularise their services on par with others. Though the Respondents contending that the applicants are not workers in the canteen at all, in the counter it is stated as follows :-

"These two applicants were asked to work as Casual Labour but they refused to accept since their emoluments were more than the Casual Labours engaged by the Railways"

It itself shows that they have been working ^{on} ~~as~~ Casual ^{basis.} ~~labours~~ since a long time in the canteen ^{on daily wages.} Now the Respondents say that the applicant are engaged for a few hours i.e. three to four hours per day and they are not the canteen workers and no muster rolls for them is all cannot be believed in view of their admission that they have been working as Casual Labours for a long time. Though they say that the canteen being maintained by some contractor, it is part and parcel of the Railways. Even the workers working in the canteen are also regularised by the Railways and these two applicants are similarly placed persons and these people also claiming some protection basing on the Supreme Court Judgment. So they are also entitled for regularisation ^{and} ~~and~~ the scales that are applicable for this category. The case of the applicants is a genuine claim. So we direct the Respondents to regularise the services of the


applicants by absorbing them as permanent Railway employees in the canteen of the Respondent No.3 with effect from 22-10-1980 and to fix their scales as per the rules and pay the same scales as per the scales of the ⁴⁰employees whose services have been regularised with effect from 22-10-80. So accordingly the petition is allowed. No order as to costs.


(J.NARASIMHA MURTHY)
Member (J)


(R.BALASUBRAMANIAN)
Member (A)

Dated: 6th September, 1991.

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REGISTRAR.

Copy to:-

1. General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.
2. The Workshop Personal Officer,
Loco Carriage and Wagon Workshop,
South Central Railway,
Lalaguda, Secunderabad.
3. Addl. Chief Mech. Engineer Loco and Carriage,
Wagon Workshop, S.C.Rly, Secunderabad-17.
4. One Copy to Shri. B.Raja Shekar Reddy, Advocate,
H.No.158. Lo,tjo Colony, Tarnaka, Hyderabad.
5. One copy to Shri. N.R.Devraj, SC for Railways, C.A.T. Hydbr
6. One copy to Mr. J.Narasimha Murthy, Member (Judl) CAT, Hyd.
7. One spare copy.

RSM.

RVS
10/9/91

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TYPED BY DS

CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR

V.C.

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY: M(J)

AND

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

DATED: 8/09/1991

ORDER/JUDGMENT

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

in

C.A. No. 106/90

T.A. No.

Central Administrative Tribunal
DESPATCH
30/11/91
HYDERABAD BENCH.

Admitted and Interim directions
issued.

Allowed. ✓

Disposed of with direction.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Refected.

No order as to costs. ✓

NT spec copy
11/10/91