

170

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.385/90.

Date of Judgment: 29.6.90

D.Srinivasulu
& 14 others

.. Applicants

Versus

The Divisional
Railway Manager,
South Central Railway,
Guntakal
& another

.. Respondents

Counsel for the Applicants : Shri K.Sudhakar Reddy,
Advocate.

Counsel for the Respondents : Shri N.R.Devaraj,
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)].

This is an application filed by Shri D.Srinivasulu
and 14 others under section 19 of the Administrative
Tribunals Act against the Divisional Railway Manager,
South Central Railway, Guntakal and another.

2. The applicants were all working as casual labourers
from 1978, 1979 and 1980. The applicants alongwith several
juniors were stopped from work since 21.4.80 by oral orders
issued by the respondent authorities. Thereafter the
applicants were waiting for orders for engagement as casual
labourers whenever there was work. But to their dismay

.....

26

WPS

44

the respondent authorities absorbed and engaged several juniors as casual labourers ignoring the seniors. Aggrieved by the action of the respondents the applicants gave a representation dated 4.3.89. There was no response. The applicants feel aggrieved that the action of the respondents is illegal, arbitrary and violative of section 25-H of the I.D.Act. They have prayed that the Tribunal direct the respondents to confer temporary status on these casual labourers and to continue to engage them as casual labourers.

3. The prayer is opposed by the respondents. After various ameliorative measures the Railway Board has finally issued an order dated 4.3.87 by which even those casual labourers who were discharged prior to 1.1.81 for want of work or due to completion of work can be brought on to the live register for purpose of re-engagement the condition being that ^{persons} ~~people~~ who fulfil this condition should apply to the Railway authorities before 31.3.87. In pursuance of that notification 18 casual labourers who were earlier discharged from work like the applicants submitted written representations with adequate documentary proof showing their earlier engagement ^{and} ~~as~~ within the stipulated time. They were therefore taken into the live register. The applicants did not avail of the opportunity and hence their names could not be brought on to the live register.

4. By a letter dated 9.12.88 the Divisional Personnel Officer, Guntakal replied the representationists that their request dated 21.10.88 could not be accepted because they have not come within the time limit of 31.3.87.

To:

1. The Divisional Railway Manager, Guntakal division, south central railway.
2. The Divisional personnel officer, Guntakal division, south central railway.
3. One copy to Mr.K.Sudhakar Reddy, Advocate, 2-2-1132/5, New Nallakunta, Hyderabad.
4. One copy to Mr.N.R.Devaraj, SC for Railways,CAT,Hyderabad.
5. One copy to Hon'ble Mr.R.Balasubramanian:Member:(Admn) CAT.,Hyderabad.
6. One spare copy.

. . .

kj.

Wing
SP/aw

DNV
3/7/90
14/20
14/2

42

- 3 -

5. We have heard the learned counsels for the applicants and the respondents and examined the case. The main question before us is whether the applicants approached the Railway administration in time.

6. We find from the Railway Board's circular dated 4.3.87 that it is the result of the special consideration and since the number of such cases could be uncertain they wanted to impose the time limit of 31.3.87 by which time it was expected that all persons who had actually worked in the past and were alert could approach the Railway authorities with proper documents and get themselves ^{enrolled} ~~into~~ the live register. The Railway Board also wanted suitable publicity to be given to those instructions by the Railway administration. It is ^{seen} ~~by this~~ that the Railway administration in the instant case had given suitable publicity because 18 persons from the same unit as the applicants had approached the Railway authorities well in time with the required documents and got themselves ^{enrolled} ~~into~~ the live register. The delay on the part of the applicants is ^{enormous} ~~not even marginal~~ and therefore we feel that they have no case for enrolment in the live register. We accordingly dismiss the case with no order as to costs.

(J.Narasimha Murthy)
Member(Judl).

(R.Balasubramanian)
Member(Admn).

Dated

29th June 90

A. P. S.
Deputy Registrar(J)

80/5/72
ASK
3/7
CHECKED BY

(4)
APPROVED BY

TYPED 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: MEMBER (JUDL.)

AND

THE HON'BLE MR. J. NARASIMHAMURTHY: M(J)

AND

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

DATE : 29.6.90

ORDER / JUDGMENT

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

in

T.A.No.

U.P.No.

D.A.No. 385/90

~~Admitted and Interim directions issued.~~

~~Allowed.~~

~~Dismissed for default.~~

~~Dismissed as withdrawn.~~

Dismissed. NO COSTS ✓

~~Disposed of with direction.~~

~~M.A. ordered/Rejected.~~

~~No order as to costs.~~

Given to Co- 2/7/90 at 4 pm.

Calculated by Co- 5/7/90.

Approved by Co- 5/7/90.

9

5/7/90