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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA 395/90.

Date of Decision:14-3-91.

1. P.Ramamurthy
2. M.A.Quader
3. K.Laxman
4. P.Srinivasa Rao
5. M.D.Yunus
6. B.Thirupathy
7. B.Prabhakar
8. B.Babu Rao
9. J.Mallikarjun
10. B.Satyanarayana
11. P.Hari Kishan
12. G.Lingaiah
13. B.Vijaya Kumar
14. A.Kumara Swamy
15. P.Kumaraswamy
16. G.Kotesh
17. G.Gopal
18. M.Narsaiah
19. D.Pedda Rao
20. D.Ramesh

....Applicant

Versus

1. Divisional Railway Manager (BG)
South Central Railway, Secunderabad.
2. Divisional Commercial Superintendent,
Division Secunderabad (BG),
South Central Railway, Secunderabad.
3. Assistant Personnel Officer
South Central Railway (BG)
Secunderabad.
4. Chief Ticket Inspector,
South Central Railway,
Secunderabad.

....Respondents

Counsel for the Applicants : M/s P.Krishna Reddy,
P.Sridhar Reddy &
P.Sarada

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

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CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

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

(Judgment of the Division Bench delivered by
Hon'ble Shri B.N.Jayasimha, Vice-Chairman)

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The applicants who worked as Water men at Secunderabad Railway Station have filed this application seeking a direction to the respondents for including their names in the live registers and to appoint ^{them} as Summer Watermen for the summer/1990 i.e. for the period ending with 30-6-90.

2. The applicants state that according to the procedure in the Railways, workmen who worked as Summer Watermen will be automatically absorbed in the next season. All the Summer Watermen i.e. the applicants herein ^{were} engaged during the year 1989 and hence they were under the impression that they will be appointed as Summer Watermen for the Summer Season of 1990. However the ~~respondents~~ started appointing ~~the~~ Summer Watermen and the applicants were not considered for such ~~as~~ appointments. They were informed that ~~their~~ cases were not considered as their names were not included in the live registers. They ~~contend~~ that their names ought to have been included in the live registers as they worked as Summer Watermen during the previous year and the other workmen who worked as Summer Watermen during the year 1989 have been re-appointed as summer watermen for

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the year 1990. Inspite of the fact that there ~~was a~~ number of vacancies, applicants have not been appointed and ~~the~~ number of Station Superintendents/Station Masters requested the respondents to provide Watermen to their stations. Applicants therefore contend that as a result of the action of the respondent in not appointing the summer watermen they ~~were~~ ~~put~~ have been put to monetary loss. They also state that for the period they worked they have not been paid salaries.

3. The respondents in their counter say that during the year 1989 (1-4-89 to 30-6-1989) a total of 190 vacancies of summer watermen were created. The procedure adopted for engaging watermen is by drawing from the list of:

- (i) Candidates waiting for appointment on compassionate grounds:
- (ii) Casual Labour borne on live registers but not otherwise engaged.

During 1989 only 78 candidates could be appointed under the above two categories. A letter was therefore addressed to supervisors of Engineering Department to advise the number of casual labours borne on their live registers and who could be spared to meet the balance requirement. On receipt of this information the Supervisors who had casual labours borne on their live registers to spare were advised to direct the senior most of such casual labours to the stations of requirement and that their wages will be claimed by the respective Engineering Supervisors in whose live registers their names were borne. The applicants

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have never worked as Casual Labourers prior to 1989 and are rank outsiders. They are therefore naturally not borne on live registers, hence they cannot be engaged as Summer Watermen. They were never directed by any of the Engineering Supervisors to work as watermen at any of the stations where they have worked. It is further stated that they have joined service only with the help of a forged letter and once having gained entry they are now trying to legitimise their service by demanding continued service for which they have neither right nor eligibility.

It is further stated that there ~~was~~^{were} only 11 vacancies as on 7-5-90 on which date the applicants ~~have~~ approached the Tribunal and their attendance particulars for 1989 summer i.e. for the periods of their working were handed over to one Sri Srinivas Rao applicant No.4 who worked at Secunderabad by the Station Superintendent, Secunderabad to be delivered to the respective Engineering Supervisors for drawal of their wages, but surprisingly they were not delivered to their respective supervisors for the reasons best known to them. The applicants never approached the office nor represented any time regarding non-drawal of their wages and the administration came to know when they filed this case. Respondents in their counter further state that the applicants worked as casual watermen during 1989 summer by fraudulent means. Hence they contend that they have no case.

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4. We have heard Shri P.Krishna Reddy, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the Respondents. According to the procedure, the Casual Labourers have to be sponsored to the Station ~~Maste~~ Masters of the concerned Railway Stations by the respective Engineering Units on receipt of the requisition from the Station Masters. Their salaries are to be drawn by the respective engineering units where the live registers are maintained. The sponsorship is also to be done on the basis of their seniority in the respective Engineering unit. The applicants have already received salaries by virtue of our interim orders. The question that remains for consideration is whether they are required to be re-engaged on the ground that they had worked earlier as summer watermen. The number of casual labourer to be taken as summer watermen depends upon the need of such watermen. The engagement of casual labourers is also to be made according to their seniority in the live register of the respective engineering units. The contention that a live register should be maintained separately for watermen is not correct and the applicants claim that they ought to have been re-engaged on this basis has to be rejected. Shri Krishna Reddy now contends that the applicants are entitled to remain in the live register of their respective Engineering units.

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No plea to this effect was taken in the application.

It is for the applicants to make representations to the concerned Engineering units ~~to enable~~ in regard to retention of their names in the live register so that the respondents ^{may} take necessary action in accordance with the rules. No direction can be given at this stage to the respondents on this matter.

5. In the circumstances, application is dismissed.

No order as to costs.

B.N.Jayashimha
(B.N.JAYASIMHA)

Vice-Chairman

M.S
(J.NARASIMHA MURTHY)
Member (Judicial)

Dated: 14th March, 1991.

Deputy Registrar
Dictated in Open Court by Deputy Registrar

To

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1. The Divisional Railway Manager (BG)
S.C.Railway, Secunderabad.
2. The Divisional Commercial Superintendent,
Division Secunderabad (BG) S.C.Rly, Secunderabad.
3. The Assistant Personnel Officer,
S.C.Rly (BG) Secunderabad
4. The Chief Ticket Inspector,
S.C.Railway, Secunderabad.
5. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.Bench.
6. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.Bench.
7. One copy to Hon'ble Mr.J.Narasimha Murty, Member (J)CAT.Hyd.
8. One spare copy.

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APPROVED BY

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COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH 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)

Dated: 14-3-1991.

ORDER / JUDGMENT:

M.A. / R.A. / C.A. NO.

in

T.A. No.

W.P. No.

C.A. No.

395/90

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

