

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 348/90.

Date of Judgment: 3-1-1991.

Yadagiri

....Applicant

Vs.

1. The Divisional Railway Manager (MG),  
Hyderabad Division, Secunderabad.
2. The Divisional Engineer (MG) (South),  
Hyderabad Division, Secunderabad.
3. The Assistant Engineer, (North) (MG),  
Hyderabad Division, Secunderabad.
4. The Permanent Way Inspector (Openline),  
Medchal, Ranga Reddy District.

....Respondents

Counsel for the Applicant : Shri S. Lakshma Reddy

Counsel for the Respondents : Shri Jalli Siddaiah, SC for Rlys

CORAM:

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

THE HON'BLE SHRI D. SURYA RAO : MEMBER (JUDICIAL)

(Judgement of the Division Bench delivered by,  
Hon'ble Shri D. Surya Rao, Member (J) ).

The applicant herein was initially appointed on 28-5-1988 as Casual Labourer for river gaging work at Medchal MG Division, South Central Railway. He was brought to 1/30th scale on 19-12-1988. On 19-10-1988, on closure of river gauging work he was shifted to maintenance work and continued upto 18-02-1989. He was retrenched on 19-2-1989 as there was no work was available. Thereafter he was again engaged as Casual Labourer by an order dt. 23-5-90. By this order he was also informed that his services will be dispensed

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with without further notice with effect from 19-10-1990.

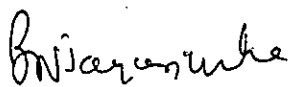
The applicant had thereupon before the termination on 19-10-1990 filed this application on 17-10-1990 raising various contentions. One of the contention is that the respondents are not granting him the CMR status on completion of 120 days of continuous work. He contends that only by granting him 1/30th scale instead of giving him CMR status is illegal. He also sought to contend that the proposed termination of his services with effect from 19-10-1990 without following the divisional seniority for the purpose of retrenchment is in violation of section 25(f) of I.D.Act.

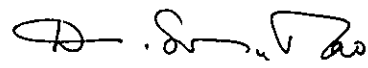
2. On behalf of the respondents a counter has been filed contending that river gauge work is seasonal work and done during the monsoon period only. However, the applicant was shifted to maintenance work since such work was available. It is contended that the applicant is being considered for being given CMR status with effect from the date of completion of 120 days work and that such a proposal is in active progress and it will be finalised shortly. It is further averred that despite giving him CMR status the applicant cannot claim a right to continue in employment since there is no further work is available. It is therefore contended that the applicant cannot claim a right to continue in employment.

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3. We have heard Shri S.Lakshma Reddy, learned counsel for the applicant and Shri Jalli Siddaiah, learned standing counsel for Railway. The main question is whether the applicant is entitled to CMR status. The counter of the respondents does not deny that he is entitled to such status. On the other hand it is stated that the proposal for giving the applicant CMR status is in active progress and will be finalised shortly. The further question is whether the applicant is entitled to be continued in service beyond 19-10-1990. Such right to continue in service would be contingent on the availability of work and in accordance with his seniority after he is given C.M.R. Status. No direction in this regard can be given to the respondents at this stage. The application can however be disposed of with a direction to complete the process of granting CMR status to the applicant within one month from the date of receipt of this order. The application is disposed of with the above direction. No order as to costs.

  
(B.N. JAYASINHA)  
Vice-Chairman

  
(D. SURYA RAO)  
Member (J)

Dated: 3rd January, 1991.  
Dictated in Open Court.

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APPROVED BY

TYPED BY

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: 3 - 1 - 1991.

ORDER / JUDGMENT:

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

in

T.A.No.

W.P.No.

O.A.No.

848/90

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.

