

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT

HYDERABAD

(18)

TRANSMITTED/ORIGINAL APPLICATION NO.71 of 1990

DATE OF ORDER: 1st March, 1990

BETWEEN:

Mr. S. Ramaswamy

APPLICANT(S)

and

The Secretary, Ministry of Railways,
New Delhi and 2 others

RESPONDENT(S)

FOR APPLICANT(S): Mr. G. Bikshapathi, Advocate

FOR RESPONDENT(S): Mr. N.R. Devaraj, SC for Railways.

CORAM: Hon'ble Shri B.N. Jayasimha, Vice Chairman
Hon'ble Shri D.Surya Rao, Member (Judl.)

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Bench of the Tribunal?
5. Remarks of Vice-Chairman on columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

HBNJ
VC

HDSR
M(J)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI D.SURYA RAO, MEMBER (JUDL.)

The applicant herein states that he worked as casual labourer under the Permanent Way Inspector, Araku (Vizag) with effect from 21.1.1975. He was disengaged from 1.10.1976. He was issued with a service card containing the periods for which he had worked. He contends that as per Rule 2511 of the Indian Railway Establishment Manual, a casual labourer engaged for more than six months is entitled to be treated as temporary. It is further stated that under Para 2512 of the Manual, a register of casual labour has to be maintained and from this register, casual labourers have to be taken-up for the purpose of empanelment of Group 'D' (Class-IV) posts. It is further contended that during the period from 16.6.1989 to 17.6.1989, 15 persons who were appointed as casual labourer long after the applicant have been regularly appointed as General Mazdoor/Khalasis in the Group 'D' category. The applicant, therefore, seeks a direction to appoint him also as Khalasi/General Mazdoor by following Rule 2512 of the Indian Railway Establishment Manual.

2. We have heard the learned counsel for the applicant, Shri G.Bikshapathi and the learned counsel for the respondents, Shri N.R.Devaraj, SC for Railways. Shri Devaraj contends that the applicant has made a representation on 17.10.1989 and it is yet to be disposed^{of}. Under Section 20 of the

(21)

Administrative Tribunals Act, 1985, an application shall not ordinarily be admitted unless six months time is elapsed from the date of submission of the representation. He, therefore, contends that the application is premature and the respondents should have an opportunity of disposing of the representation before the applicant approach the Tribunal. We agree with the contention of Shri Devaraj and find that the application is premature and liable to be dismissed. However, in the facts of the case, we direct the respondents to dispose of the representation dated 17.10.1989 within a period of two months from the date of receipt of this order.

3. The application is accordingly disposed of.
There will be no order as to costs.

(Dictated in the open Court).

B.N.Jayasimha
(B.N.JAYASIMHA)

Vice Chairman

D.Surya Rao
(D.SURYA RAO)
Member (Judl.)

2000/13/28
Dated: 1st March, 1990. DEPUTY REGISTRAR(J)

TO:

1. The Secretary, (Government of India), Ministry of Railways, New Delhi.
2. The Divisional Manager, south Eastern Railway, Visakhapatnam.
3. The Senior Diivisional Engineer, south eastern railway, Visakhapatnam.
4. One copy to Mr.G.Bhikshapathi, Advocate, 16-9-749/41, Race Course Road, Old malakpet, Hyderabad-500 036.
5. One copy to Mr.N.R.Devaraj, SC for Rlys., CAT, Hyderabad.
6. One spare copy,

vsm

kj.

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SC/2/20
Draft by: Checked by: Approved by
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.) ✓
A N D ✓
HON'BLE MR.D.SURYA RAO: MEMBER (JUDG.) ✓
A N D ✓
HON'BLE MR.J.NARASIMHA MURTHY: (M) (J)
A N D ✓
HON'BLE MR.R.BALASUBRAMANIAN: (M) (A)

DATED: 13.90

ORDER/JUDGMENT:

M.A./R.A./C.A./No. 13/90

F.A.No. 13/90

D.O.L.No. 71/90

Admitted and interim directions issued.

Allowed.

Dismissed.

Dismissed of ~~with directions~~.
M.A. Ordered.

No order as to costs.

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