

(38)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 291/91.

Dt. of Decision : 20.6.94.

1. Ch. Venkatarao	
2. B. Ramunaidu	
3. Mucha Ramu	
4. Pakki Nandesu	
5. K. Guruvulu	17. T. Yerriah
6. V. Apparao	18. J. Veeraswamy
7. Ch. Bhaskar Rao	19. K. Apparao
8. D. Gopi	20. T. Gunnaiah
9. H. Trinatharao	21. Ch. Simhachalam
10. Munjali Apparao	22. H. Mukhalingam
11. K. Mallaeaswararao	23. T. Laxmanarao
12. M. Malleswararao	
13. M. Ramu	
14. K. Andrews	
15. T. Ramulu	
16. B. Ammoru	

.. Applicants

VS

1. Union of India, Rep. by its General Manager, SE Rly, G.R.C, Calcutta-700 043.	
2. Divisional Railway Manager (Mechanical), SE Rly, Visakhapatnam.	
3. Divisional Personnel Officer, SE Rly, Visakhapatnam.	
4. South Eastern Railway Labour Contract Co-operative Society, rep. by its President, Locoshed, Railway Station, Visakhapatnam.	

.. Respondents.

Counsel for the Applicants : Mr. M. Jagannathasarma

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

O.A.No.291/91.

Date of Judgement : 20.6.1994.

Judgement

(As per Hon'ble Shri A.B.Gorthi, Member (A))

All the 23 applicants are members of the S.E.Railway Labour Contract Cooperative Society ("the Society" for short) and are being engaged by the Railways for loading and unloading coal wagons, cleaning ash pits in rail engines, cinder picking etc. Their claim in the O.A. is for a direction to the respondents to engage them as substitutes and subsequently consider their regular absorption ^{into} with Group 'D' cadre, without insisting upon the minimum educational standard of 8th class pass.

2. The Railway Board decided in 1988 that staff employed by Cooperative Societies attached to workshops could be directly recruited to Group 'D' posts without requiring them to be sponsored by the employment exchange, provided they possessed the required educational qualification. Further instructions were issued by the Railway Board on 13.7.90 as under:-

"Abolition of contract labour for cleaning work in catering establishment and their absorption in regular cadre was under consideration.

This has been examined in detail, keeping in view the spirit of Supreme Court's judgement, the General Manager has decided that literacy qualification for screening and absorption of Contract Labour, as casual labour, in catering establishment need not be insisted upon as a one-time dispensation. However before taking them as casual labour, it is to be made clear to the candidates that their casual appointment is subject to the acquiring literacy standard in a period of 6 to 8 months positively."

3. It is stated that in compliance with the above instructions several employees of the Society were taken into regular railway service. The request of the applicants was, however, turned down on the ground that they did not possess the minimum educational qualification.

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4. The respondents in their counter affidavit asserted that the instructions issued by the Railway Board are applicable only to Railway Cooperative Societies and not to any Labour Contract Societies. The Society of the applicants supplied labour to several other organisations and not exclusively to Railways. It is further contended by the respondents that the educational standard cannot be relaxed in respect of the applicants.

5. Learned Counsel for the applicants urged that as the respondents did engage some members of the Society as substitutes even though they did not pass 8th standard, the applicants cannot be denied similar benefit. He further pleaded that there can be no justification for not treating the applicants' Society like any other Railway Cooperative Society.

6. The respondents' counsel vehemently contended that under the existing instructions there could be no possibility of engaging the applicants as substitutes.

7. In the O.A., the applicants specifically averred that some members of the Society (names given in para 6(c) of the O.A.) were engaged in the past as substitutes by the respondents, but this aspect of the matter has not been clarified in the counter affidavit.

If
8. If the respondents have been taking members of the Society for being engaged as substitutes as per Railway Board's instructions, there is no justification why the applicants should be denied similar dispensation. Accordingly we dispose of this application with a direction to the respondents to consider the case of each of the applicants for engagement

as substitutes on similar lines as was done in respect of several others members of the Society who did not possess the required educational standard. We make it clear that such engagement as substitutes would be done only if there is work and in preference to freshers.

9. The O.A. is ordered accordingly. No costs.

T. (Signature)
(T.Chandrasekhar Reddy)
Member (J).

(Signature)
(A.B.Gorthi)
Member (A).

Dated: 20 June, 1994.

br.

(Signature)
DEPUTY REGISTRAR (J) CC

Copy to:-

1. The General Manager, South Eastern Railway, Union of India, G.R.C., Calcutta 700 043.
2. The Divisional Railway Manager, (Mechanical), South Eastern Railway, Visakhapatnam.
3. The President, South Eastern Railway Labour Contract Co-Operative Society, Lecoshed, Railway Station, Visakhapatnam.
4. Divisional Personnel Officer, South Eastern Railway, Visakhapatnam.
5. One copy to Mr. M. Jagannatha Sarma, Advocate, 3-6-226, Himayatnagar, Hyderabad - 29.
6. One copy to Mr. N. R. Devraj, Sr. CGSC., CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

YLKR

(Signature)
24/6/94.

TEMED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.G RTHI : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(CUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 20- 6 -1994.

ORDER/JUDGMENT:

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

in

O.A.No.

291/91

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.

pvm

