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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 302/91.

Dt.of Decision : 8-8-94.

1. A. Appanni
2. V. Hassan
3. E. Bichutty
4. M. Ahmmmed
5. K. Mohammed
6. V.S.Balakrishna
7. S.K.Khader Sahib
8. B.Sambasivarao
9. M.Rangarao
10. K.Venkanna
11. S.T.P.Lingam
12. D.Ishagu
13. K.Venkateratnam

.. Applicants.

Vs

1. The General Manager,
SC Rly, Secunderabad.
2. The Divl. Railway Manager,
SC Rly, Vijayawada.
3. The Divl. Personnel Officer,
(Co-ordination) SC Rly,
Vijayawada.
4. The Divisional Engineer - IV,
SC Rly, Vijayawada.
5. The Chief Bridge Inspector,
SC Rly, Rajahmundry.

.. Respondents.

Counsel for the Applicants : Mr. N. Rama Mohan Rao

Counsel for the Respondents : Mr. N.V.Ramana, SC for Rlys.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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O.A.No.302/91

O R D E R

X As per the Hon'ble Sri A.V. Haridasan, Member(J) X

The 13 applicants in this case have prayed that the respondents may be directed to regularise their services from the date of their attaining ^{approved} pay scale and grant all the consequential benefits arising out of it. The case in brief is as follows: The applicants started their career as casual labour with effect from the different dates ranging from 10-9-59. All of them were brought on the approved pay scale on confirmation of temporary status on various dates. The applicants ^{Grievance} ~~claim~~ ^{though} is that they were working as Skilled Artisans ^{and} ~~and that~~ they have not been regularly appointed as Skilled Artisans in ^{Group} ~~Grade-C~~ even though vacancies existed ^{and} ~~under~~ the rules ^{permitted} ~~allowed~~ for such appointment.

2. The respondents in their reply statement have contended that the casual labourers, though working as Skilled Artisans are generally brought on regular establishment. On the basis of screening as Group-D officials ^{and} they have to strive for their further advancement after regular appointment. It is ^{Conceded} ~~considered~~ that there is a percentage of vacancies ^{in Group C} to be filled by absorption of skilled casual artisans on their passing ^{the} ~~their~~ requisite trade tests. The respondents contend that all the applicants have been duly appointed on ~~the~~ regular basis after screening and many of them have been promoted and some of them retired. Therefore, according to the respondents, there is no grievance subsisting for the applicants to be ^{redressed} ~~redress~~. The respondents have also produced now for our perusal a statement showing the

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particulars of the services of the applicants showing the different dates on which they were initially engaged and finally regularised.


3. We have heard Sri N. Ramamohan Rao, counsel for the applicants and Sri N.V. Ramana, counsel for the respondents. A reading of the application would lead ~~to~~^{an} impression that all the applicants remain casual labourers without being regularly appointed. From the statement copy of which is produced for our perusal today, and from the contentionⁱⁿ of the reply statement, it is drawnⁱⁿ ~~out~~ⁱⁿ beyond doubt that all the applicants have been regularly appointed ~~as~~ⁱⁿ regular service, some of them have been promoted and some retired. The applicants have been granted the ~~due~~^{benefits} relief for which they are entitled. Sri Ramamohan Rao, learned counsel for the applicants did not ~~succeeding~~ⁱⁿ in pointing out that there is any regulation or instruction which provides for treating ~~the employees~~^{casual labour} who have attained temporary status as regular railway servants for the purpose of seniority. According to the provisions contained in the Railway Establishment Manual, from the day the casual labourers attain temporary status they are entitled to certain benefits and privileges which are available to temporary Railway servants. The Manual also provides for computing a part of the service rendered after attaining the temporary status as qualifying service for the purpose of pension. ^{on regular absorption} Apart from this, no other benefit accrues from the acquisition of temporary status.


4. In view of the facts mentioned above and in the circumstances of the case, we find that no further direction in regard to regularisation of the applicants in

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service is required to be made as all the applicants have been regularly appointed. However we dispose of this application directing the respondents, that the benefit flowing out of grant of temporary status, such as counting of a part of the service rendered thereafter as qualifying service for pension should be given to the applicants in accordance with the extant Rules and instructions on the subject. There is no order as to costs.


(A.B. Gorthi)
Member (Admn.)


(A.V. Haridasan)
Member (Judl.)

Dated : 8th-August 1994.
(Dictated in Open Court)

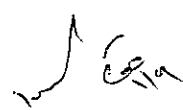

DEPUTY REGISTRAR(J)

kmv/
spr

Copy to:

1. The General Manager, South Central Railway, Secunderabad.
2. The Divisional Railway Manager, South Central Railway, Vijayawada.
3. The Divisional Personnel Officer, (Co.ordination)
South Central Railway, Vijayawada.
4. The Divisional Engineer, -IV, South Central Railway, Vijayawada.
5. The Chief Bridge Inspector, South Central Railway, Rajahmundry.
6. One copy to Mr. N. Ram Mohan Rao, Advocate, CAT, Hyderabad.
7. One copy to Mr. N. V. Ramana, Addl. CBSC, CAT, Hyderabad.
8. One spare copy.

YL&R



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Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN:MEMBER(J)

AND

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

Dated: 8.8.94

ORDER/JUDGMENT.

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

J.A.NO. 302 ⁱⁿ / 91
T.A.NO. (W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions.

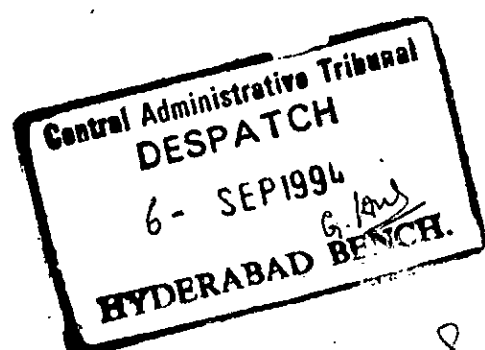
Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



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