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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.86/92. Date of Judgement 4-11-92

R.Somasundaram .. Applicant

Vs.

1. Chief Commercial Superintendent, S.C.Rly., Rail Nilayam, Secunderabad.

2. General Manager, S.C.Rly., Rail Nilayam, Secunderabad.

3. Divl. Rly. Manager, S.C.Rly., Secunderabad BG Division, Sanchar Bhavan, Secunderabad.

4. Secretary(Estt), Railway Board, Rail Bhavan, New Delhi. .. Respondents

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Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents : Shri V.Bhimanna, SC for Railways

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CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

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The bio-data certified by the concerned was the main material before them. Their seniority for the job was also assessed. Overaged persons, persons not having the literacy qualification and those who joined after 28.7.87 were excluded and a select list was issued. Subsequently when the literacy requirement was waived, 37 more were included. It was then decided that a total of 120 persons were to be taken as casual labour in the 7 units (Gudur, Bitragunta, Ongole, Tenali, Vijaywada, Rajahmundry and Samalkot) of the Vijaywada Division.

5. We are mostly satisfied with the manner in which the respondents had gone about after the decision to abolish the contract labour system in certain units except their decision to exclude those who joined after 28.7.87, which requires further examination. The contract labour system was abolished w.e.f. 28.7.87. But, for their (sic) own reasons, the system continued long after that too. For this, those who worked as contract labour after 28.7.87 should not suffer. The Railways are bound to screen such labour also, in the same manner as those who were serving before 28.7.87. The Railways could not terminate the contract labour system on 28.7.87 and the continuation of the system, for whatever reasons, throws on them the responsibility to consider their cases too.

6. We, therefore, direct the respondents to consider the cases of all contract labour engaged after 28.7.87 also in the same manner as others and prepare a revised list upto the date when the contract labour system was actually terminated. This should be the list of contract labour converted into the casual labour list of Railways for future action. We disposed of the O.A. accordingly with no order as to costs.

(R.Balasubramanian)
Member(A).

(C.J.Roy)
Member(J).

Dated: 6th November, 1992.

Dy. Registrar (J)

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3. The respondents oppose the O.A. and have filed a counter. The contractors were changed from time to time and there were frequent changers of labourers along with changes of contractors. Hence it is denied that the labourers had very long service. When the contract labour system was abolished, the Chief Personnel Officer fixed some norms like age, literacy and the service upto 27.7.87 i.e., date of abolition of contract labour, for taking the contract labout on the strength of the Railways. The labourers were asked to furnish their bio-data which were certified by the contractor and the Catering Manager. A screening was conducted. A seniority list was published inviting objections, if any. No objection was received. By a subsequent decision taken by the General Manager the literacy requirement was waived. Thereafter, the impugned list was prepared. Some of the applicants were overaged and some of them had joined after 27.7.87. These were not included in the list. Their names were not includ in the panel. Hence, according to them the instructions issued pursuant to the Supreme Court decision, had been carried out.

4. We have examined the case including the Railway record and heard the rival sides. Consequent to the judgement of Supreme Court, the Government abolished the contract labour system in the catering establishments and pantry cars of th Railways w.e.f. 28.7.87. But the follow up action by the South Central Railway took over 3 years till 15.12.90. We see from the Railway records that a Screening Committee comprising of three officers was set up and they screened the erstwhile contract labour on 5.9.89, 6.9.89 and 20.9.8

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To

1. The Chief Commercial Superintendent,
   S.C.Rly, Railnilayam, Secunderabad.
2. The General Manager, S.C.Rly
   Railnilayam, Secunderabad.
3. The Divisional Railway Manager,
   S.C.Rly, Secunderabad BG Division,
   Sanchar Bhavan, Secunderabad.
4. The Secretary (Estt) Railway Board,
   Railbhavan, New Delhi.
5. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
6. One copy to Mr.V.Bhimanna, SC for Rlys. CAT.Hyd.
7. One spare copy.

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CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:
M(JUDL)

AND

THE HON'BLE MR.C.J.ROY : MEMBER(JUDL)

Dated: 4 -11 -1992

~~ORDER~~/JUDGMENT:

R.A. /C.A. /M.A.No

in

O.A.No. 86/92

T.A.No. (wp.N

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Allowed

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M.A.Ordered/Rejected

No orders as to cos

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