

(60)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD

O.A.NO.4/92

Between:

Date of Order: 7.3.95,

1. P.V.Abraham
2. S.K.Ghosh
3. P.Dharma Rao
4. K.John Mathew

...Applicants.

And

1. The Railway Board rep. by its  
Member (Personnel), New Delhi.
2. The Chief Personnel Officer,  
South Eastern Railway,  
Garden Reach,  
Calcutta - 43.
3. The Divisional Railway Manager,  
(Personnel), South Eastern Railway,  
Waltair.
4. The Divisional Electrical Engineer,  
(General), South Eastern Railway,  
Waltair.

...Respondents.

Counsel for the Applicants : Mr.G.Paramaswar Rao

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

CORAM:

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

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

contd...

O.A. No.4/92.

Dt. of Decision : 07-03-95.

ORDER

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

All the 4 applicants <sup>who are</sup> ~~were~~ working as regular Khalasis in South Eastern Railway, Waltair claim by means of this OA, a direction to the respondents to declare that the applicants are deemed to have been regularised in the posts of Khalasis from the dates of their initial engagement, with all consequential benefits. The applicants were initially engaged as literate casual labour; after they had worked for some time they were given temporary status in 1984 and later on they were screened for regularisation, found suitable and <sup>empanelled</sup> ~~emballeted~~ for absorption against ~~the~~ regular posts in their turn.

2. As some TLR posts became available in the Electrical Department in SE Railway (Electrification) all the 4 applicants were directed to work as casual khalasis against the said posts. In the said order of engagement it was stipulated that "the candidates will continue as Casual Labour ~~and~~ for a period of 12 months from the date they report for duty under concerned subordinates incharge mentioned against their names or till regular posts are sanctioned, whichever is earlier". Subsequently as some regular posts were sanctioned the applicants were regularised with effect from 27-06-1989 against the newly created posts.

3. Heard learned counsel for both the parties. Shri G.Parameswara Rao, learned counsel for the applicants has <sup>mainly</sup> ~~has~~ contended that the applicants having been posted against the TLR posts and having continuously worked in the said posts till their regularisation, they should be

(62)

-3-

entitled to count their services as casual labour also for the purpose of their seniority. In other words his contention is that the applicants should be deemed to have been regularised from the dates of their initial engagement against the TLR posts in 1986.

4. The respondents have stated that some literate casual labourers were initially posted to work against the TLR posts with the specific condition that they would be continued in the said posts of 12 months or till regular posts were sanctioned. The intention of the respondents was not that they would be automatically regularised after 12 months even in the absence of regular posts, <sup>but</sup> ~~But~~ that the initial <sup>posting</sup> ~~posts~~ of the applicants in the TLR posts would be for a period of 12 months or till regular posts ~~were~~ became available, whichever was earlier. In the instant case, Admittedly regular posts were sanctioned only in 1989 and as such the applicants were continued even beyond 12 months of their initial posts as casual workers only.

5. It is well settled that the service <sup>as</sup> of casual worker does not count for seniority, which will ordinarily be reckoned only from the date of ~~their~~ regularisation.

6. Shri G. Parameswara Rao, learned counsel for the applicants <sup>has</sup> ~~however~~ drawn our attention to the fact that the respondents effected certain lateral induction of khalasis into C-Group where the applicants were working thereby jeopardising their chances of getting regularisation earlier. The respondents in their reply affidavit have explained that, for certain administrative compulsions, a decision was taken to shift 14 khalasis of Group A and B into Group C,

Copy to:

1. The Member, (Personnel),  
Railway Board,  
New Delhi.
2. The Chief Personnel Officer,  
South Eastern Railway,  
Garden Reach,  
Calcutta - 43.
3. The Divisional Railway Manager,  
(Personnel), South Eastern Railway,  
Waltair.
4. The Divisional Electrical Engineer,  
(General), South Eastern Railway,  
Waltair.
5. One copy to Mr. G. Parameswar Rao, Advocate,  
CAT, Hyderabad.
6. One copy to Mr. N. R. Devraj, Sr. CGSC,  
CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

cis


YLKR


0

So that the promotional interests of all the kbalasis working in Group A, B and C of the Electrical Department are equally protected. Admittedly, this action was taken by the respondents bonafide~~ly~~ and in the interest of the employees and not for any extraneous consideration. In any case the applicants did not complain against such lateral induction at the relevant point of time.

7. Another issue raised by Shri G. Parameswara Rao was that the railway board sanctioned the posts ~~against~~ the ~~applicants~~ on 19-05-1989, but the date of regularisation of the applicants was shown as 27-06-1989. From the Annexure R-2 of the counter affidavit it would be apparent that after the sanction of the railway board was received, the additional posts were "created" by the CPD vide his memorandum dated 27-06-1989. In view of this the respondents acted correctly in fixing the date of regularisation of the applicants as 27-06-1989.

8. Looking at the case from any angle, we find that the manner in which the respondents proceeded to process the case of the applicants for their regularisation and for granting them seniority from the date of such regularisation cannot be said to be arbitrary or otherwise irregular~~ly~~. In view of this we find ~~that~~ no merits in this OA and the same is dismissed. No order as to costs.

  
(A.S. Gorthi)  
Member (Admn.)

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

Dated : The 7th March 1995.  
Dictated in Open Court

  
16.3.95  
DEPUTY REGISTRAR(J)

contd...

TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

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

AND

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

DATED : 7.3.95

ORDER/JUDGEMENT.

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

in

O.A.No. 4/92

Admitted and Interim directions  
issued

Allowed

Disposed of with Directions

Dismissed       

Dismissed as withdrawn

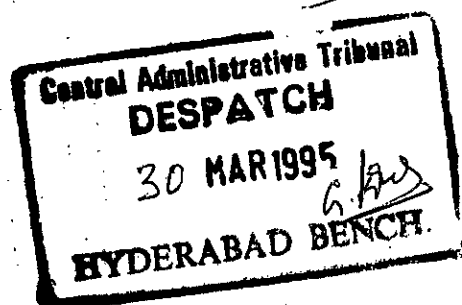
Dismissed for Default.

Rejected/Ordered

No order as to costs.

YLKR

*8* No spare copy



*Ev*