

(99) (5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.A. 39/94 in
O.A. 1020/92.

Dt. of Decision : 28.12.94.

1. The General Manager,
SC Rly, Secunderabad.
2. The Divl. Railway Manager,
SC Rly, Vijayawada.
3. The Ministry of Pension and
Pensionary Welfare,
Govt. of India, New Delhi, Behind
Khan Market, New Delhi-3.

.. Applicants/
Respondents.

Vs

N. Atchamma

.. Respondent/
Applicant.

Counsel for the Applicants : Mr. J.R.Gopala Rao, SC for Rlys.

Counsel for the Respondent : Mr. K. Venkateswarlu

CORAM:

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

R.A. 39/94
in
O.A. 1020/92.

Dt. of Decision : 28.12.1994.

ORDER

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

Heard Shri J.R.Gopala Rao, learned standing counsel for the SC Railways. The Review Application is filed by the respondents in OA. 1020/92 seeking a review of our judgement dated 24.2.1994 in the said OA.

2. In the Review Application it is stated that Project Casual Labour who complete 180 days of continuous service only are entitled ^{to} for 1/30th rate of pay and that the provision of granting temporary status to the Project Casual Labour on completion of 360 days continuous service came into effect only from 1.1.1981. As the applicant in the OA was a Project Casual Labour it is contended that she would not be eligible for temporary status prior to 10.10.78. In this regard it may be noted that from the counter affidavit filed by the respondents in the OA, it would be apparent that the applicant was engaged as a Gang Woman on casual basis and that there was nothing to indicate that she was only a Project Casual Labour.

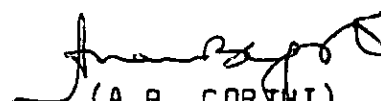
3. It is further stated in the Review Application that the applicant in the OA did not render continuous service from the date of her initial engagement and as such ^{she} would not be entitled to temporary status, immediately on completion of 120 days from the date of initial engagement. From the material placed before me it cannot be said with certainty whether or not, ^{the} the applicant in the OA worked continuously for 120 days from the date of initial engagement. The rule

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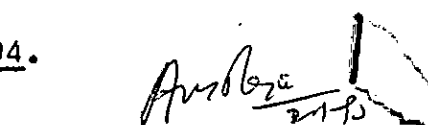
position however is very clear, that is, that a Casual Labour under the circumstances would acquire temporary status only after completing 120 days of continuous service from the date of initial engagement. (Underlined for emphasis) This aspect was not highlighted in the operative portion of the judgement in OA.No. 1020/92. Consequently, this Review Application is allowed to the limited extent that the first and second sentences in para 7 of the judgement would now read as under:-

"In view of the above, the applicant would be entitled to temporary status as soon as she completed 120 days of continuous service from the date of her initial engagement. I therefore direct the respondents to grant her temporary status from the date ~~she~~ completed 120 days of continuous service from the date of her initial engagement."

4. The Review Application is thus disposed of without any order as to costs.


(A.B. GORTHI)
MEMBER (ADMN.)

Dated : The 28th December 1994.
(Dictated in Open Court)


Dy. Registrar (Adm.)

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