

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

O.A.NO.1105 92

Between

C.K.Gopalan
and another

Applicant

A N D

Union of India
represented by its
G.M. South Central Railway,
Rail Nilayam, Secunderabad
and 2 others

Respondents

Counter Affidavit filed
on behalf of Respondents

...

I M. Humla Naik S/o Sri M. Chandya Naik aged about 47 years,
Occ: Govt Service, South Central Railway, do hereby solemnly
and sincerely affirm and state as follows:

- 1) I submit that I am working as Divisional Engineer, Construction, Gauge Conversion, Tirupati in the Respondent Railways and dealing with the subject matter of the case as such I am well acquainted with the facts of the case and I am filing this counter affidavit on behalf of all the respondents as I have been authorised to do so.
- 2) I submit that I have gone through the contents of the Application filed by the Applicant and I hereby deny all the material allegations contained therein except those which are specifically admitted hereunder:-
- 3) It is submitted that above said two applicants have all along worked under the control of DEN/CN/CRS/TPTY. Recently they have been handedover to open line along with assets, under the administrative control of AEN/RU. Further it is

S. Sankararaman
AEN/C/SC/TPTY

M. Humla Naik .. 2.
वसुध इजीनियर (निर्माण)
व.म. रेनवे, तिरुपति
Divisional Engineer/G.C.
S.C. Rly, TIRUPATI

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submitted that these two applicants were transferred to DEN/C/CRS/TPTY on 4.7.84 from DEN/C/KZJ. From the date of his transfer, applicant No.1 was paid 1/30 of wages corresponding to the scale of his pay Rs.260/- with designation Revitter skilled and applicant No.2 joined from DEN/C/KZJ also designated as Sarang Gr.I and they were working under the control of CIOU/CRS/TPTY. During 1984 Casual labour on monthly scale of pay were granted temporary status with effect from 1.1.81 since they have completed 5 years of service, ie, 1825 days as on 1.1.81 vide Sr.DEN/CRS memorandum No.P/CN/407/TPTY/MS dt. 27.9.1986.

- 4) It is submitted that 1-on verification of xerox copy of the applicant No.1 of the CL service card available in the SR. It is seen that they were engaged as bridge khalasis in them mopala gang under DEN/D/KZJ period upto 18.12.73 and again re-engaged on 3.2.75 and continuously working, and Applicant No.2 is also working under the control of this unit from the date of his joining at TPTY on 4.7.84. Prior to his joining, the particulars could not be verified, since the CL service card and SR are not available and the same were sent to CAO/C/SC in connection with dispute regarding his date of birth. It is submitted that the Applicant's contention that they were given APS scale from the year 1975, is not correct, since the construction organisation C.L are given only 1/30 of pay corresponding to the scale of pay applicable to their position and they are not eligible for any rights and privileges as admissible to open line C.L, who were granted temporary status. The construction casual labourers have become eligible for such privileges only after 1.1.81. The claim of applicant No.1 promoting as Revitter Gr.I, highly skilled in Grade 380-560 is under the dispute in OA No.545/91 in CAT/HYB and the same is pending.

S. Sarindaman
AEN / C / GC / TPTY

S.C. Rly. TIRUPATI
7-11-82
वहल इंजीनियर (निर्माण)
इ.म. रेलवे, तिरुपति
Divisional Engineer/G.C.
S.C. Rly. TIRUPATI

In the Central Administrative
Tribunal Hyd.

ON 11/05/92



Counter Affidavit

Filed on 15-7-94 ~~27-6-94~~

Filed by
(Enl. Ramesh Rao)

Filed by

8
11/7/94

D. Gopal Rao

S. C. for Railway

may be filed
on
7/7/94