

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.1109/92

Dt.of order:24.08.1995

Between

1. M.Ramaswamy
2. Ch.Sobhanadri
3. M.Reddappa

.. Applicants

and

1. Senior Divisional Personnel Officer
South Central Railway, Vijaywada
2. Senior Divisional Commercial Superintendant
South Central Railway
Vijayawada

.. Respondents

Counsel for the Applicant :: Mr GV Subba Rao

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

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE-CHAIRMAN

HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN)

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ORDER

As per Hon'ble Shri Justice V.Neeladri Rao, Vice-Chairman

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Heard Shri G.V.Subba Rao, learned counsel for the applicant and Shir N.R.Devraj, Standing Counsel for the respondents.

2. It is pleaded for all the applicants that they originally joined as Casual Labour in Engineering Branch of South Central Railway, at Nellore in Vijayawada Division and after they were retrenched, they joined in catering department in Vijayawada Division and after retrenchment, they joined in Commercial Branch in Vijayawada Division as casual labourers. When their period of service in commercial branch alone was taken into consideration for fixing their seniority as casual labour at the time of screening, they filed this OA praying for a direction to the respondents to regularise their services in the same places where they are working against regular vacancies from the date they have been working continuously.

3. During the course of arguments, it is stated for the applicants that for fixing their seniority for absorption, their periods of service in the catering department and in the Engineering section also have to be taken into consideration.

4. It was stated in the reply statement that the period of service of the applicants in the catering section were taken into consideration and the placement of applicants 1 & 2 in the seniority list was revised and they were screened in their turn and empanelled for absorption in Group 'D' post in Commercial department vide their letter No.E/P.407/1/screening/Vol.II dated 20.5.94 and they will be absorbed as and when vacancies arise.

5. In the rejoinder that was filed for the applicants, it is pleaded that the period of service of the applicants 1 and 2 in the Engineering section was not at all taken into consideration and hence, the respondents have to be directed to include the same with reference to their total number of days of service rendered by them and to revise their seniority accordingly.

6. It was vehemently pleaded for the respondents that even without filing any representation before the authorities, the applicants falsely alleged that representations have been made by them on 15.6.1991 and 10.8.92 to make it appear that this OA is in time, ~~xxx~~ and hence, this OA has to be rejected on the ground of limitation.

7. When the number of days for which the applicants 1 & 2 worked in the catering section were taken into consideration after this OA was filed, we do not find any justification for not taking the number of days for which they worked in Engineering section also, if authenticated records in regard to the same are available. When the respondents themselves had chosen to revise the seniority of the applicants 1 and 2 after this OA was filed, it cannot be stated as to how the alleged bar of limitation will come in the way, if a direction is going to be given for including the number of days on which the applicants worked in Engineering section also, if the applicants are going to produce the relevant documents.

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8. In the result, the OA is ordered as follows:

"If the applicants 1 & 2 are going to produce casual labour cards for the period for which they worked in Engineering Section before R1 by 16.10.1995, and if R1 satisfies about the genuineness of the same, then, the total number of days noted in the said cards as attested by the concerned authority have to be included for re-fixing the seniority of the applicants. If a xerox copy of the same is going to be produced, it is for R1 to verify the genuineness of the same and if he is satisfied in regard to the same, R1 has to act as referred above."

We make it clear that if it becomes necessary to re-fix the seniority of the applicants as referred to above, then, their case for absorption has to be considered in a vacancy that arise after ~~xx~~ the said verification if by then ~~the respective junior was absorbed.~~

9. OA is ordered accordingly. No costs. //


(R. RANGARAJAN)
Member (Admn)


(V. NEELADRI RAO)
Vice-Chairman

Dated: The 24th August, 1995

Dictated in the Open Court

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Deputy Registrar (J) CC

To

1. The Senior Divisional Personnel Officer,
S.C.Rly, Vijayawada.
2. The Senior Divisional Commercial Superintendent,
S.C.Rly, Vijayawada.
3. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
4. One copy to Mr. N.R.Devraj, SC for Rlys. CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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THPED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN))

DATED --24-8- 1995.

ORDER/JUDGMENT:

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

in
OA. No. 1109/92

TA. No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No Space Copy

