

ANNEXURE - I

113/92

List of Paper in Original Application No.

Sl.No. of Papers	Date Of Papers Or Date of falling.	Description of Papers.
	7-6-95	Part - I Original Judgement
	17-12-91	O.A & Material Papers.
	25-1-93	Counter Reply Counter

PART - I, PART - II and PART - III
Destroyed.

A
23/3/99

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
RECORD SECTION INDEX SHEET

O.A NO. 113 /1992

a) Applicant (s) S. Ramaiah 812 etc

Versus

b) Respondent (s) Tur G M. Seddy Secy Secy ad
2016

S. l. No.	Part. I Description of documents.	Page No.
5	Order sheet	163
	Original Application	4 to 22
	Material papers	23 to 34
	Order dated . 3-4-92	35 to 36
	Counter Aff	37 to 49
	Reb	

Affidavit .

Reply Affidavit .

Order dated.

7-6-95

50655

PART. II

Duplicate order sheet.

" Application

" Material papers

" Order date .

" Counter Affidavit

" Reply Affidavit

" Order date.

PART .

III .

Vakalat

Notice Papers

Memo of Appearance..

7-7-95

(1)

DA-113/92

Date : Office/Note

O R D E R

20/3/95

Post it on 28/3/95.

HORN
MC(A)HORN
MC(B)

B.O.C

6-4-95

At the request of the
applicants Counsel, adjourned
to 17-4-95.

✓

(MUR)

HORN
MC(B)HORN
MC(D)

5-6-95

Limit it for orders tomorrow.

C.C. 6-6-95

HORN
MC(A)HORN
MC

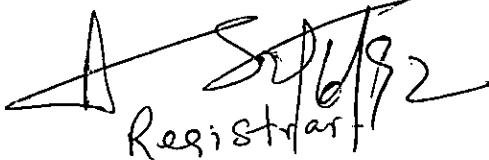
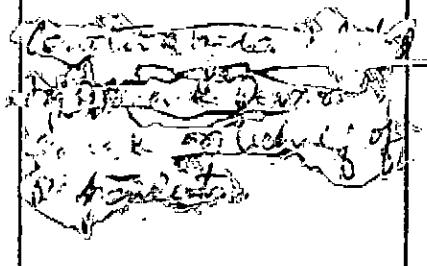
By order:

DR (S)

Judgement pronounced in
the O.A. The O.A. is dismissed -
no costs. orders side separate

Sheila ✓

HORN
MC(A)HORN
MC

Date	Office Note	Orders
3-6-92 contd....		<p>To the final outcome of the proceeding (in this OA.</p> <p>Mr. T. Lakshminarayana, moves MA 183/9 for permission to file a single petition on behalf of all the 13 applicants. Heard both sides. MA is allowed.</p>
		<p>T - C. M. P (HICSE) M.G.</p>
2-6-92	<u>Service -</u>	
	<p><u>R Rs. 1 to 3 Served -</u> Even after granting 6 weeks time before the Registrar for filing counter, the counter is not filed. Hence post the case in usual course.</p>	
25.1.93.	<p>memo of APP. & counter filed by Mr. M. L. Devaraj, Secty Rlys on 25.1.1993.</p>	 <p>25/1/93 Registrar</p>
		

04.11.31.92

Q

Date	Office Note	Orders
23/11.94		Adj to 1-6-94. HTCSR m(3) MCA BOS sd to 28.9.94. HARSH MCA BOS MCA
<u>24-2-95</u>		At the request of the Counsel for applicant, adjourned to 7/3/95.
<u>7.3.95</u>		At the request on behalf of the applicants Counsel, Adj. it HARSH MCA HARSH MCA
8.3.95		HARSH MCA HARSH MCA sd to 10.3.95 HARSH MCA HARSH MCA

OA 113/92

Date	Office Note	Orders
30-3-92		<p>Today also none present for the applicant. No representation on behalf of the applicant. Heard Mr. N.R. Devraj, for the respondents. List this OA for orders of rejection finally on 3-4-92.</p> <p>T.C.R.F. (HCSR) M.J.</p>
3-4-92		<p>Mr. T. Lakshminarayana, Advocate for the applicants and Mr. N.R. Devraj, Advocate for the respondents are present. Heard both sides.</p> <p>As we are satisfied that this is a fit matter for adjudication, <u>Admit</u> the OA. The respondents may file their reply within 6 weeks with a copy to the Advocate for the applicants. The applicants may file their rejoinder if any within one week thereafter. Keep the case before the Registrar for directions after the pleadings are complete.</p> <p>After hearing both sides as an interim measure we direct the respondents that the posting of 18 Casual Labourers at Griddalur Unit as Gangmen will be subject</p> <p>28/4</p>

Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./T.A. No.

113

1992

Applicant(s)

S. Ramaiah & 12 others

versus

The Gr. m., Sify Sultana & 2 others Respondent(s)

Date	Office Note	Orders
13-2-92		<p>When the case called, neither the applicant, nor his counsel present. Hence list the case on 20-2-92.</p> <p><i>(Curry H.C.J.R.) m(j)</i></p>
<u>20/2/92</u>		<p>Adjourned to next week as requested by the learned Counsel for the applicant.</p> <p><i>arbitrarily H.C.J.R. H.M.G.</i></p>
24-3-92		<p>None present for the applicant. There was no representation on behalf of the applicant. Hence list this case for administrative hearing on 27-3-92.</p> <p><i>T.C.R. (H.C.S.R.) m(j)</i></p>
27-3-92		<p>Today also none present for applicant. No representation on behalf of the applicant. Hence list this OA for rejection on 30-3-92.</p> <p><i>T.C.R. (H.C.S.R.) (P.T.O.)</i></p>

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 113 OF 1992

Shri S. Ravindra & 12 Ors.

Applicant(s)

Versus

G.M. Secy. Secy. Secy.

22 Ors.

Respondent(s)

This Application has been submitted to the Tribunal by

Mn. T. Lakshmi Narayana

Advocate

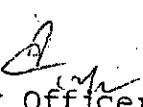
under Section 19 of the Administrative Tribunal Act. 1985 and

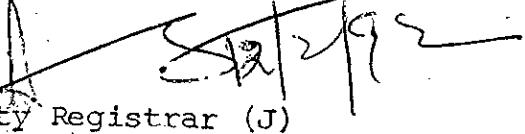
same has been scrutinised with reference to the points mentioned

in check list in the light of the provisions contained in the

Administrative Tribunal (Procedure) Rules, 1987.

The Application has been in order and may be listed
for admission on - 252 -.


Scrutiny Officer.


Deputy Registrar (J)

Particulars to be examined

Endorsement as to result of examination

8. Has the index of documents been filed and has the paging been done properly ? *Y*

9. Have the chronological details of representations made and the outcome of such representation been indicated in the application ? *Y*

10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal ? *Y*

11. Are the application/duplicate copy/spare copies signed ? *Y*

12. Are extra copies of the application with annexures filed.

(a) Identical with the original *Y*

(b) Defective

(c) Wanting in Annexures *2*

..... No/Page Nos?

(d) Distinctly Typed ?

13. Have full size envelopes bearing full address of the Respondents been filed ? *Y*

14. Are the given addresses, the registered addresses ? *2*

15. Do the names of the parties started in the copies, tally with those indicated in the application ? *2*

16. Are the translations certified to be true or supported by an affidavit affirming that they are true ? *2*

17. Are the facts for the case mentione under item No. 6 of the application.

(a) Concise ? *Y*

(b) Under Distinct heads ? *2*

(c) Numbered consecutively ? *2*

(d) Typed in double space on one side of the paper ? *Y*

18. Have the particulars for interim order prayed for, stated with reasons ? *Y*

*My bath
can*

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

APPLICANT (S) S. Remained & 12 Gr.

RESPONDENT (S) G. M. Serly, Secy. & Co.

Particulars to be examined

Endorsement as to result
of examination

1. Is the application Competent ?	Y
2. (a) Is the application in the prescribed form ?	Y
(b) Is the application in paper book form ?	Y
(c) Have prescribed number complete sets of the application been filed ?	Y
3. Is the application in time ?	Y
If not by how many days is it beyond time ?	—
His sufficient cause for not making the application in time, stated ?	—
4. Has the document of authorisation / Vakalat name been filed ?	Y
5. Is the application accompanied by B.D./I.P.O. for Rs. 50/-? Number of B.D. / I.P.O. to be recorded.	Y
6. Has the copy/copies of the order (s) against which the application is made, been filed ?	Y
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ?	Y
(b) Have the documents referred to in (a) above duly attested and numbered accordingly ?	Y
(c) Are the documents referred to in (a) above neatly typed in double space ?	Y

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH.

INDEX SHEET.

O.A. No.

113 ~~571~~ 1992

CAUSE TITLE S. Ramaiah & 12 others.

VERSUS

Mr. G. M. Surya Sastry & 20 others.

Sl. No.	Description of Documents.	Page No
1.	Original Application	1 to 17
2.	Memorial Papers.	1 to 10.
3.	Vakalat	1
4.	Objection Sheet	1
5.	Speaker Copies	
6.	Covers.	

By a direction to the Registry to consider the Applications for absorption
against the existing Vacancies in their parent Seniority unit.

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDITIONAL BENCH

Bullock

AT HYDERABAD.

O.A.No.

1137 OF 1992

Between:

S. Ramaiah and 12 others

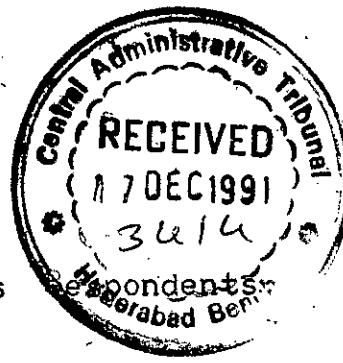
Applicants.

And

Union of India, R.p by
the General Manager
South Central Railway,
Rail Nilayam, Secunderabad. (A.P)

-and 2 others

Respondents
Secunderabad Bench



MATERIAL PAPER INDEX

S.No.	Contents	Anx No	Page No.
1.	Original Application		
2.	Representation 25-3-1991	I	1-3
3.	Impugned order 26-11-1991	II	4-9
4.	Serial circular no 64 23-4-87	III	10.

All the above documents are true copies of originals only.

Hyderabad,

Date 8.12.1991

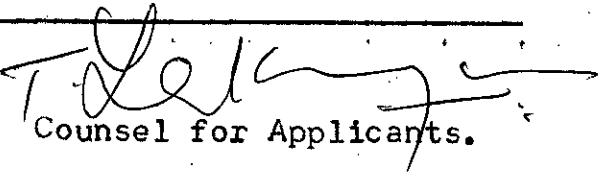
T. Lekha
Counsel for applicants

Received copy of
Subd
30/12/91

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD
CHRONOLOGICAL STAMENT OF EVENTS.

Date .	Event
1	1. 1997 Applicants are engaged as casual labours
2. 1987	Attained Temporary Status
3. 25-3-1991	Applicants made Representation.
4. 26-11-1991	Impugned Order issued


Counsel for Applicants.

(6)

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985.

Date of filing:

Registration Number:

SIGNATURE OF THE REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, (HYDERABAD BENCH)
AT HYDERABAD

O.A. NO. 13 OF 1992

BETWEEN

1) S.Ramaiah

S/o Shri Chintala Venkatasubbaiah

Aged about 39 years,

Casual Labour, Office of the

Permanent-way Inspector, S.C.Rly,

South Central Railway,

Giddalur, Prakasam District (A.P.)

2) A.Balaiah,

S/o Polaiah,

aged about 35 years

Casual Labour, Office of the

Permanent-way Inspector, S.C.Rly,

Giddalur, Prakasam Dist (A.P.)

3) A.Elfa, aged about 35 years

S/o Abraham, Casual Labour,

Office of the Permanent-way

Inspector, S.C.Railway, Giddalur,

Prakasam District, A.P.

Contd..2.

(J)

-- 2 --

- 4) P.Kondiah,
aged about 35 years,
Casual Labour, S.C.Rly.,
Office of the Permanent-way
Inspector, Giddalur,
Prakasam District, (A.P.)
- 5) P.Nagaiah,
aged about 36 years,
S/o P.Nagaiah,
Casual Labour, S.C.Rly.,
Office of the Permanent-way
Inspector, Giddalur,
Prakasam district, (A.P.)
- 6) B.Thirupai,
aged about 32 years,
S/o B.Nagaiah,
Casual Labour, S.C.Rly.,
Office of the Permanent-way
Inspector, Giddalur,
Prakasam District. (A.P.)
- 7) P.Chinna Devaiah,
aged about 32 years,
S/o P.Pedda Venkataiah,
Casual Labour, Office of
the Permanent-way Inspector,
S.C.Rly., Giddalur,
Prakasam District. (A.P.)
- 8) P.Aseervadam aged about 35 years,
S/o P.Isaac, Casual Labour,
Office of the Permanent-way
Inspector, S.C.Rly., Giddalur,
Prakasam District. (A.P.)

-- 3 --

9) Ch. Venkoji,

aged about 35 years,

Casual Labour, Office of
the Permanent-way Inspector,
Giddalur, S.C.Rly, Giddalur,
Prakasam District. (A.P)

10) K. Prakasam, aged about 32 years,

S/o K. John, Casual Labour,
Office of the Permanent-way
Inspector, S.C.Rly, Giddalur,
Prakasam District. (A.P)

11) Ch. Srinivasulu, aged about 33 years,

S/o Venkata, Casual Labour,
Office of the Permanent-way
Inspector, S.C.Rly, Giddalur,
Prakasam District. (A.P)

12) P. Israil, aged about 35 years,

S/o P. Musalaiah, Casual Labour,
Office of the Permanent-way
Inspector, S.C.Rly, ~~Guntakal~~
Giddalur, Prakasam district (A.P)

13) L. Prabhudass, aged about 40 years,

S/o L. Isaac,
Casual Labour, Office of the
Permanent-way Inspector,
Giddalur, Prakasam District (A.P) .. APPENDIX

AND

1) Union of India, represented
by the General Manager,
South Central Railway,
Rail Nilayam, Secunderabad (A.P)

2) The Chief Administrative
Officer (Construction),
South Central Railway,
Secunderabad (A.P). ||

3) The Senior Divisional
Personnel Officer,
South Central Railway,
Guntakal, Anantapur District,
(A.P). ||

RESPONDENTS ||

DETAILS OF APPLICATION: |||

1. | PARTICULARS OF THE APPLICANTS: |||

The details of the applicants are the same as stated in the cause title and their address for service of all notices and processes is that of their counsel Shri T. Lakshminarayana, Advocate, 11002-2-185/SC/Bagh, Amberpet, Hyderabad.

2. | PARTICULARS OF THE RESPONDENTS: |||

The particulars of the above-named respondents for service of all notices and processes are the same as stated in the cause title.

3. | PARTICULARS OF THE ORDER AGAINST WHICH
APPLICATION IS FILED: |||

a) ORDER NUMBER: ||| G/P-407/IV/CN/PB/OL ||

b) DATE: ||| 26-11-1991 ||

c) PASSED BY: ||| Senior Divisional
Personnel Officer, S.C.Rly,
Guntakal. (Respt-3 herein)

4x (d) SUBJECT IN BRIEF:

The applicants are Casual Labourers in the Engineering Department (Open Line) who are working in the seniority unit of the Permanent way Inspector, south central Railway, Giddalur, Prakasam District in Guntakal Railway Division of South Central Railway. They got temporary status and eagerly waiting for permanent absorption after screening and empanelment as regular gangmen/lascars in their section. But the Respondents are posting Casual Labourers from other seniority units and also from Project-Construction department from time to time on regular basis which far exceeded ~~22%~~ 33-1/3% quota thereby depriving the applicants from getting regular absorption as gangmen in their own parent/seniority unit.

Respondent No.3 here gave orders in the impugned letter dated 26-11-1991 posting 18 Project Labourers to Permanent way section, Giddalur against existing vacancies depriving absorption chances of applicants which should be declared as illegal and that applicants should be considered for regular absorption against the existing vacancies.

4. | JURISDICTION OF THE TRIBUNAL: - u/s 14 of the Act.

The applicants declare that this original application arises within the jurisdiction of the Hon'ble Tribunal in as much as the applicants are residing at Giddalur while the Respondents No.3 is located at Guntakal and Respondents No.1 and 2 located at Secunderabad which are all within the state of Andhra Pradesh. The applicants further submit that the cause of action arose at Giddalur within the State of Andhra Pradesh. Hence the

⑪

Hon'ble Tribunal has got jurisdiction to entertain this application.

5. LIMITATION UNDER SECTION 21(i)(a) OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

The applicants further declare that the application is within the limitation as prescribed under Rule 21(i)(a) of the Administrative Tribunals Act, 1985 in as much as the impugned order is dated 26-11-1991 and this application is filed within one year from that date.

6. FACTS OF THE CASE

6.1 The applicants most respectfully submit that they were originally engaged as Casual Labourers on daily wages in the permanent-way Inspector's section, Giddalur, Guntakal Division of South Central Railway. The section is treated as a separate unit for engagement of labour and for their absorption in future ~~against~~ vacancies. The section comes within the jurisdiction of the Engineering Open Line Department of the Railway. After fulfilling the conditions required, they were conferred the status of temporary railway servants with attendant service benefits. They have been working in this section and waiting eagerly for screening, empanelment and permanent absorption as Gangmen. The service particulars of the applicants are furnished below for ready reference at a glance.

Name	Date of initial engagement.	Date of Tempo- rary status.	REMARKS
1) S.Ramaiah	10-9-1977	19-12-1987	

(12)

-- 7 --

Name	Date of initial engagement.	Date of temporary status	REMARKS
2. A.Balaiah	10-9-1977	1-10-1989	Stopped from May, 1990.
3. A.Elijah	10-9-1977	-do-	
4. P.Kondaiah	-do-	19-12-87	
5. P.Nagaiah	-do-	-do-	
6. B.Tirupal	-do-	28-3-1988	
7. P.Chinna Devaiah	-do-	-do-	
8. P.Aseerivadam	-do-	-do-	
9. Ch.Venkoji	-do-	-do-	
10. K.Prakasam	-do-	7-11-1988 KODAK	
11. Ch.Sreenivasulu.	10-11-77	7-11-1988	
12. P.Israil	10-9-1977	-do-	
13. L.Prabhudass	10-5-1972	-do-	

6.2 The applicants submit that in the Engineering department (Open Line), the seniority unit of casual labourers is that of the section of the Permanent-way "Inspector" in terms of the South Central Railway Serial Circular No.64/1987 communicated in letter No.P/E/407/Project/CL dated 23-4-1987. (Annex-III P-10) Transfer of casual labourers from one seniority unit to another seniority unit can be done at the loss of seniority and the casual labourers seeking such transfer of the seniority unit will have to take bottom-most seniority. The interests of the Casual Labourers in each seniority unit are thus legally protected from induction of casual labourers of other units in-between.

When there are no casual labourers waiting for engagement, it is only then the unemployed casual labourers from other units can be engaged since engagement of "freshers" as casual labourer is banned by the Railway Administration save in the case of train accidents, breaches etc., on obtaining General Manager's permission for the purpose of quick restoration of tracks, bridges and traffic affected in such train accidents, breaches etc.,.

6.3 While it was so, the applicants submit that time and again, casual labourers from other seniority sections are brought and engaged in Giddalur section ignoring the local casual labourers. Following Casual Labourers were brought from other sections and were engaged in Giddalur section and were subsequently absorbed on regular basis as Gangmen against vacancies despite protests made by the local casual labourers affected by the illegal process:-

1. B. Adinārayana
2. Kakafla Chenhāiah
3. N. Eswāraiah
4. Mānē Dorāswamy
5. Ch. Srimānnarayana
6. Shaik Khasim Vali
7. Y. Venkātanarayana
8. P. Devāyaram.

Again, another 21 Casual Labourers belong to Construction Engineering projects under the control of the Chief Administrative Officer (Construction), South Central Railway, Secunderabad (CAOR/C/SC) in short) and Respondent No. 2 herein, were brought from the unit of Permanent-way Inspector/Complete Track Renewals/Nandyal (PWI/CTR/NDL in short) coming under

the control of CAOR/C/SC and were absorbed as gangmen in Giddalur section during the year 1990-91. To make way for this, the absorption orders already given in favour of applicants No.1 to 4 herein were cancelled and sent back as casual labourers. Following are the 21 project casual labourers absorbed in Giddalur Section:-

1. P.Subbarayudu
2. Y.Subbiah
3. Jutur Khassim
4. M.L.K.Narasimhulu
5. A.Venkataramudu
6. K.V.Y.BalaSubbarayudu
7. Y.Thirupal
8. Garlapati Pullaiah
9. S.Samuel
10. Middle Shimanna
11. Minne Maddileti
12. K.Madanna
13. K.Agasteen
14. Rangaswamy
15. P.Baluudu
16. S.Ch! Subbarayudu
17. G.Philips
18. D.Iswaraiah
19. L.Issac
20. M.Subbarayudu
21. Pedda Kistaiah

It is also not uncommon that Casual Labourers from Open Line sections of different seniority units having been brought into Giddalur section and absorbed as regular gangmen before the claims of the local casual labourers were considered. Even now 13 casual labourers

--10--

belonging to other units of Open-Line Engineering Department are working in Giddalur Section. While it is so, nearly 42 casual labourers of Giddalur section are forced to go out and work in distant Open-Line Engineering departmental units under the control of Permanent-way Inspectors, Krishna and Shri Kalahasti (in short PWI/KSN and PWI/KHT)!!! The Casual labourers of Giddalur section are thus deprived of their working and for permanent absorption in Giddalur section due to the defective policy adopted by the Respondents. The Policy laid down with regard to absorption of project casual labour of Construction department into the Open-Line Engineering Department is that 33 1/3% of the vacancies in the Open-Line department have to be earmarked in each screening which is taken up every year. After assessing number of vacancies, 1/3rd of the vacancies have to be earmarked for allotment to the Project casual labour as stipulated in Railway Board's letter dated 23-4-1987, (Annex-III P-10). The project labour who are thus empanelled after screening, against 1/3rd quota have to be filled within a period of one year of the said screening and empanelment. All the above-mentioned 29 casual labours (batch-1..8 plus batch-2..21*.. mentioned above) belonged to the Project Department and with their absorption the quota is far-exceeded. Therefore, the applicants made written representation dated 25-3-1991 to the authorities through proper channel (marked as Annex-I P-11) for conducting immediate review of the strength of project labour absorbed in Giddalur section and remove the excess staff so that the local casual labour including the applicants would stand

(16)

..11.11.11

for absorption as regular gangmen against the vacancies of gangmen. The authorities did not take remedial action, and no heed was paid to the representation dated 25-3-1991 (Anne^L I P- 1) of the applicants. Thus, the injustice is perpetuated.

6.4 The Respondent No.3 who is responsible for controlling the service matters of all staff in the division, issued the impugned order dated 26-11-1991 (Anne^L II P- 4-9) posting in all 240 project casual labourers working under the administrative control of the CAOR/C/SC, respondent No.2 herein and under the immediate control of the Deputy Chief Engineer(Construction), South Central Railway, Raichur, Karnataka state, the Divisional Engineer(Construction) South Central Railway, Guntakal, Anantapur District, Andhra Pradesh, the Divisional Engineer(Construction) of South Central Railway, Tirupathi, Andhra Pradesh and the Executive Engineer(Construction/Doubling) South Central Railway, Guntakal, Anantapur District, Andhra Pradesh who are all within the territorial jurisdiction of Guntakal Railway Division. These 240 project labour are given regular posting orders as Gangmen/Khalasis in scale Rs.770-1025/Rs.750-940 (RSRP) in the Open Line Engineering Permanent-way Inspectors' section of Guntakal Division including Giddalur Section. In this impugned order, following 18 persons with serial number in the impugned order are being posted to Giddalur Section against existing vacancies:-

Name.	Sl.No. in the impugned order
-------	------------------------------

1. K.Chinnaiah S/o K.Desaiyah.	159
2. S.Sreeramulu S/o Chinna Sunkappa	206

18

Name Srl.No. in the
impugned order

3. N.Venkataramu, S/o Venkatesulu.	215 252
4. N.Lasshmannu S/o Nettigallu	216
5. A.Sudhakara Reddy S/o C.R.Reddy.	218
6. S.Basah, S/o Kadhar Vali	219
7. A.Ramakrishna, S/o Peddenna	220
8. K.Gopinatha Rao, S/o K.Krishna Rao	221
9. U.Nagabhusanam S/o Narayana	222
10. Jaffer Khan S/o Mahaboob Khan	223
11. D.Hahumanthu, S/o Ramulu	224
12. V.Humanthu S/o Sanjeeva	225
13. D.Lakshminarayana, S/o Narayanappa	226
14. Mohan Reddy, S/o Pulla Reddy.	227
15. P.Srinivasa Rao, S/o Seshagiri Rao.	228
16. M.Obulapathi S/o Onnurappa	229
17. M.Chenchuramaiah S/o Pothaiah	230
18. Narasimhulu S/o Ganganna	232

The posting of the above Project Labour to Giddalur Section against existing vacancies will deprive the applicants from absorption into permanent service causing irreparable loss to the careers. If these persons are not posted to Giddalur Section, the applicants being senior casual labourers would stand for empanelment and absorption in regular vacancies in their parent unit of Giddalur section. With the fresh posting of the above 18 project labour to

Giddalur section, the quota prescribed for them far more exceeded which is a serious infraction of rules and regulations stipulated by the Railway Administration. The impugned order, to the extent of posting of the above-said 18 project labourers against vacancies of Gangmen in Giddalur section, is therefore arbitrary, illegal and violative of Articles-14 and 16 of the Constitution of India and liable to be declared invalid. The applicants claims should be considered for the absorption against the existing vacancies in Giddalur Section.

6.5 The applicants humbly submit that there are only 18 vacancies of gangmen available at present in Giddalur section and if the above-mentioned 18 casual labourers of Project-Construction department are posted, there will not be any vacancy left for the applicants and there is no opportunity to get regular posting in near future, causing irreparable loss and injury to the applicants. Due to the defective policy adopted by the Respondents, as many as 42 Casual Labourers belonging to Giddalur Section were forced to work in the sections under PWI/KSN III and PWI/KHT on the one hand and 13 Casual Labourers of other PWIs' units of Open Line department are posted to Giddalur Section and now working. The vacancies caused from time to time are filled by posting Project Labourers and the impugned order is one the latest in this process which is required to be declared illegal to the extent it purports to post 18 above-mentioned casual labourers against vacancies in Giddalur Section, as being arbitrary, unreasonable, violative of Articles-14 and 16 of the ..14

(B)

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Constitution of India.

7. MAIN RELIEF SOUGHT FOR: |||

For the reasons mentioned above, it is prayed that this Hon'ble Tribunal may be pleased to declare the action of the Respondents in posting the 18 project-construction Casual Labourers as regular Gangmen/Kalasis in Giddalur section shown against serial Nos 159, 206, 215 to 230 and 232 of the third Respondent's impugned order dated 26-11-1991 (Annex II P-49) as illegal and declare the impugned order to that extent as unreasonable, illegal, arbitrary and violative of Articles-14 and 16 of the Constitution of India and further direct the Respondents to consider the applicants for absorption against the existing vacancies in their own parent seniority unit of Giddalur section and grant such other or further order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

8. INTERIM RELIEF SOUGHT FOR: |||

The Hon'ble Tribunal may be pleased to issue interim order in the interest of justice to -

- i) suspending the operation of the impugned order dated 26-11-1991 in so far as the posting of 18 casual labourers against serial Nos 159, 206, 215 to 230 and 232 is concerned
- ii) directing the Respondent No.2 herein to issue immediate instructions to his subordinate Officers viz (a) Deputy Chief Engineer(Construction), South Central Railway, Raichur, Karnataka State

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(b) Divisional Engineer(Construction)

South Central Railway, Guntakal, Anantapur

District, Andhra Pradesh, (c) Divisional

Engineer(Construction) South Central Railway

Tirupathi, Andhra Pradesh and (d) Executive

Engineer(Construction/doubling) South Central

Railway, Guntakal, Anantapur District, A.P. !

not to relieve the above-mentioned 18 casual

project labourers for joining in Giddalur

Section, till final disposal of the ~~xxx~~ case

(c) to consider the applicants for posting against
existing vacancies in Giddalur Section

and grant such other or further order or orders as

this Hon'ble Tribunal may deem fit and proper in the
circumstances of the case.

9. REMEDIES EXHAUSTED:-

The applicants further declare that they have
availed all the remedies available to them under the
service rules. Their representation dated 25-3-1991
(Anne: I P- 1-3) was rejected by the impugned order
mentioned herein. There is no other speedy alternative
remedy than to file this application before this
Hon'ble Tribunal for the reliefs.

10. MATTERS NOT PENDING IN ANY COURT, TRIBUNAL etc:-

The applicants declare that the matter regarding
which the application is made is not pending before any
other Court of Law or any other Authority or any other
Bench of the Central Administrative Tribunal.

11. PARTICULARS OF POSTAL ORDER:

(a) Postal Order No. 804181384

(b) For amount: Rs.50/-

(c) In favour of: The Registrar,
Central Administrative
Tribunal, Hyderabad
Bench, at Hyderabad.

12. DETAILS OF INDEX: **P.O./B.C./D.D./Removed**

An index in duplicate containing the
material papers to be relied upon is enclosed.

13. LIST OF ENCLOSURES:

(a) Postal Order for Rs.50/-

(b) Vakalat.

(c) Covers and pads.

(d) Material papers as per the Index.

(e) Chronological statement of
events.

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-17-

VERIFICATION

I, S. RAMAIAH, Son of Shri. CHINNA VENKATESUBBAIAH, aged about 39 YEARS, occupation: Government Service, resident of Giddalur, Prakasam District, Andhra Pradesh, having temporarily come down to Hyderabad do hereby verify that the contents of paras 1 to 13 are true to my knowledge and belief and not suppressed any material facts. Hence verified on this the 8th day of December, 1991 at HYDERABAD.

HYDERABAD, : : |
dt: 8-12-1991 |

50005

APPLICANT

T. Lakshmi
COUNSEL FOR THE APPLICANT.

To
The Registrar
Central Admin. Tribunal
Hyderabad.

GIÐDÁLUR

Dated: 25-3-1991.

Front

S.Rathaiah,
S/o Chinna Venkatasubbaiah,
Casual Labourer,
Office of the
Permanent-way Inspector,
S.C.Railway,
GIDDALUR,
Prakasam District. (A.P). 11

To

The Senior Divisional Personnel Officer,
South Central Railway,
Guntakal, Anantapur District., A.P. (Thro: PWI/GID &
AEN/NDL)

Respected Sir, I

SUB: Absorption of Project Casual Labourers .
against vacancies of Gangmen/Khalasi in PWI/GID Section.

2. Myself and other persons mentioned above are all working as APS Gangmen in Giddalur Section since 1987 and getting benefits of temporary status of Railway Servants. We are eagerly waiting for screening, empanelment and absorption as regular Gangmen in the vacancies in our section itself. ~~Simikarixxx~~ 2

3. As you are aware, for casual labourers, the seniority unit is that of the PWI. The existing casual labourers/APS ELR~~x~~ Gangmen have to be screened and absorbed against vacancies in the section. But this policy is ignored. Time and again Casual Labourers from Construction-Project units are brought into this section and then absorbed in regular vacancies. Like this, following casual labourers from Projects were given the benefits ignoring our protests and claims:-

- (1) B. Adinarayana (2) Kakarla Chenhaiah
- (3) N. Eswaraiah (4) Manne Doraswamy
- (5) Ch. Srimannarayana (6) K. Khassim Vali
- (7) Y. Venkatanarayana (8) P. Devavaram

In spite of protests, the postings and absorption of the above staff were enforced. For the purpose of effecting these postings, the empanelment given to myself and also to Shri A. Balaiyah, A. Elia, P. Kohdaiah of Giddalur section were cancelled and sent back as casual labourers. It is also not new that casual labourers are brought from sections of other open line units and given engagement and later regularised against vacancies contrary to the concept of unit-wise seniority. Even now 13 Casual Labourers from other seniority units are working in Giddalur section. While this is so, nearly 42 casual labourers belong to Giddalur unit ~~xxx~~ from the beginning are forced to go and work under PWI/KSN and KHT which are separate units at distant places from Giddalur. The injustice is perpetuated. Again, another 21 casual laborers belonging to the Construction-project department were given posting orders in the year 1990 and 1991.

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The names of these 21 project CLs are furnished below for your kind information:-

(1) P. Subbia Rayudu (2) Y. Subbiah (3) Jutur Khasim (4) M.L.K. Narasimhulu (5) A. Venkataramudu (6) K.V.Y. Bala Subbarayudu (7) Y. Thirupal (8) Garlapati Pullaiah (9) S. Samuel (10) Minne Thimanna (11) Minne Maddileti (12) K. Madanna (13) K. Agasteen (14) Rangaswamy (15) P. Baludu (16) S. Ch. Subbarayudu (17) G. Phillips (18) D. Iswaraiah (19) L. Isaac (20) M. Subbarayudu and (21) Pedda Kistaiah.

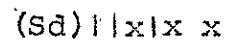
The quota fixed for project labour is only 33 1/3% of the vacancies in the open line sections. It is not known how the above-mentioned 29 casual labourers (8+21) are given absorption orders to Giddalur Section depriving the absorption chances of seniors like me and other co-representationists mentioned in para-1.

4. Under these circumstances, you are requested to kindly arrange to withdraw the project labourers posted against vacancies in Giddalur Section immediately and consider ~~to~~ all 9 of us along with other eligible Casual Labour of Giddalur unit. Immediate orders may kindly be passed for conducting screening and empanelment and posting us against vacancies of Gangineni in the Giddalur P-way section.

5. For the act of kindness, I and my colleagues mentioned in para-1 would be grateful for the speedy addressal of our grievances.

Thanking you, sir,

Yours obediently

(Sd) 

(S. RAMAIAH |
s/o CHINNA VENKATA |
SUBBAIAH!) |

SOUTH CENTRAL RAIL WAY

Divisional Office,
personnel Branch, Guntakal,
Dated: 26-11-1991.

N.o.G/p.407/IV/CN/PD/OL.

Q.O.No.166/Engg/91

Sub:- Screening and absorption of Construction/
Project Casual Labour in open Line Unit.

Ref:- CAOR/SC Lr.No.No.PtCon/677/Screening/GTL
Dated 9.8.91.

* * * *

The following empanelled casual labour working under the control of Dy. CE/C/RC, DEn/C/GTL, DEN/C/TPTY/C and XEN/D/GTL are posted as Ganguan /Khalasi inscale Rs.775-10.25 (RSR) Rs.750-940 (RSRP) to the station mentioned against them, aginst 33 1/3% vacancies reserved for Construction Casual Labours.

S. No.	Name S/Shri	Father's Name	Absorbed Unit/ Station
1.	K.Lepakshi	Venkataramappa	IOW/RC
2.	Shaik Saheb, Chand Saheb		PWT/RC
3.	A.Pullanna,	Atukulappa	PWI/GY
4.	Narayana	Kesappa	IOW/GTL
5.	D.Balamma	B.Sinkanna	IOW/GTL
6.	O.Bhagavanta,	Obaiah	IOW/GTL
7.	S.Narayana	Narasappa	PWI/BG/GTL
8.	B.Hanumanthu	Gundanna	IOW/GTL
9.	V.Venkataramaiyah, V.Lakshmaiah		IOW/GTL
10.	G.Papanna,	Henumanthu	PWI/BAY
11.	K.Anjaneyulu	Sunkappa	PWI/GY
12.	Sungareddy	Ram Reddy	PWI/BG/GTL
13.	Hussain Peeran	B.Fakruddin	-do-
14.	O.Lakshmann	Obulapathy	-do-
15.	P.Girappa	J.Sunkanna	- do -
16.	P.Muni Chandriah		- do -
17.	J.S.Prasad	Jayachandra	PWI/MG/ATP
18.	P.Sembasiva Reddy	Sehsa Reddy	IOW/TPTY
19.	M.Yerrenna, Lalappa		PWI/BG/GTL
20.	Chinnanettikalu, Chinna Anjaneyulu		PWI/GY
21.	N.Chengaiyah, Giruvaliah		PWI/MG/GTL
22.	K.Anjaney, Garuvaliah	K.Venkatesh	PW/NRE
23.	K.Copal, K.Sivanna		PWI/MG/GTL
24.	S.Ramakrishna, S.Sreeramulu		-do-
25.	Maruthi, Seetaram		PWI/RC
26.	R.Onnur Sab, Basul Saheb		PWI/MG/GTL
27.	K.Nettikallu, Balanna		PWI/KDP
28.	B.Sreeramulu, Ramanna		PWI/MG/GTL
29.	B.Pakkirappa, BOyanna		PWI/HX
30.	S.Ramadas, Sivanna		PWI/MG/GTL
31.	Kizarkhan, Mahatoobkhhan		PWI/MG/ATP
32.	D.Rangaiyah, D.Ramaswamy		PWI/GY
33.	D.Subramanyam, Subbiah		PWI/PAK
34.	L.Penchalaiyah, L.Narasaiyah		PWI/MG/GTL
35.	K.Chandran, Chengaiyah		PWI/RU

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36.	R.Munnaiah, narappa	PWI/MG/GTL
37.	B.Lakshmann, Doddanna	PWI/MG/ATP
38.	B.Nagappa, Ramaswamy	PWI/MG/GTL
39.	N.Venkatesulu, Narasappa	CBRI/GIL
40.	J.Ramudu, Nanumappa	PWI/MG/ATP
41.	G.Polaiah, Penchalaiah	IOW/GIL
42.	S.Sunkanna, Nettikallu	CBRI/GTL
43.	E.Chinnaiyah, Rosaiah	PWI/KHT
44.	J.Annaji Rao, J.Surayenarayana Rao	PWI/GT
45.	A.Siva Reddy, Sreba Reddy	-do-
46.	S.Subbalah, S.Gangiah	PWI/NRE
47.	L.Penchalaiah, Penchalaiah	IOW/HX
48.	K.Nagaraju, C.Anjaneya	PWI/GY
49.	Kamal Saheb, Babul	-do-
50.	N.Venkararamana, Ganganna	-do-
51.	B.Rangaiah, Peddanna	-do-
52.	N.Venkaraiyah, Siddaiyah	-do-
53.	U.Nararaj, U.Nagaiyah	PWI/BG/ATP
54.	V.Krishna, Ventataswamy	PWI/GY
55.	M.Lalasab, M.Masthan	PWI/PAK
56.	A.surkesh kumar A.Ellaiyah	PWI/Gy
57.	K.Nelappa, Hanumanthu	PWI/GY
58.	S.Cunnaiyah Subbalah	PWI/BAY
59.	Dastagiri, P.Hussain	PWI/MG/ATP
60.	Abdul Rahim, Mahaboob Saheb	PWI/RC
61.	T;Desaiyah Chinnappa	PWI/PAK
62.	Seenaiyah, Chinna Lingappa	PWI/RC
63.	K.Chouse Monedeen, Boluddin	PWI/MG/GTL
64.	R.Chen Drasekharan, Lakshmai ah	PWI/RC
65.	K.Ubeth, Fazullullah	-do-
66.	Narayana, Anjineya	-do-
67.	M.Obulapathy, Manthanappa	-do-
68.	N.Ajineyulu, M.Thimmappa	IOW/RC
69.	Pala Chengaiyah, Gangaiyah	PWI/MG/GTL
70.	Dalavai Sunkappa, Linganna	IOW/RC
71.	N.Krishnaiyah, Penchalaiah	PWI/BAY
72.	B.Anjineyulu, B.Narayana	PWI/BG/GTL
73.	A.Rha, Akbar	PWI/MG/ATP
74.	C.H.Ramakrishna, C.H.Girumoorthy	PWI/KDP
75.	S.Peddanna, Sanjappa	PWI/BG/ATP
76.	L.Ramanjulu, Laxmanna	-do-
77.	A.Ramulu, Obaiah	-do-
78.	N.Sunkanna, Nettigallu	-do-
79.	U.Chengal arayudu, Venkataramaiyah	- do-
80.	B.Ramanjeyulu, B.Ramanna	-do-
81.	Lakshmann, G.Obulesu	PWI/KDP
82.	N.Chinna Reddy, Narappa Reddy	PWI/BG/ATP
83.	K.Lalappa, Alappa	-do-
84.	R.Ramaswamy, Ranganna	-do-
85.	A.Srinivasulu, Yellayya	PWI/MG/ATP

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1	2	3
86.	Venkataramudu, Venkataswamy	PWI/MG/ATP
87.	S.Venkataiah, Ramaiah	-do-
88.	Basanna, Bassappa	-do-
89.	C.Obulesu, Obulesu	-do-
90.	Mallikarjuna, K.Basanna	-do-
91.	K.Thippanna, Onnurappa	-do-
92.	S.Obulesu, Sunkanna	-do-
93.	H.Anjaneya, Husenappa	-do-
94.	C.Hemumanthu, Chinna Venkanna	PWI/MG/ATP
95.	K.Narayanaswamy, K.Kadirappa	PWI/GY
96.	R.Peralappa, Renganna	PWI/DNC
97.	B.Adinarayana, B.Karayana	-do-
98.	J.Kellanna, Malliah	-do-
99.	Giranna, Komanna	-do-
100.	S.Narasimha Rosaiah	-do-
101.	O.Jayaram, Obulesu	-do-
102.	G.Venkataramudu, Pullappa	-do-
103.	P.Nanthanaiah, Corukondappa	PWI/CG/CIL
104.	N.Demodar, Chinnappa	ICW/GIL
105.	Anjaneyulu, Anjappa	PWI/DNC
106.	N.Obulesu, Narayana	PWI/DNC
107.	B.Sunkappa, B.Sunkappa	-do-
108.	Pedda Veeranna, B.C.Ramanna	-do-
109.	N.Kallaiah, N.Siddaiah	-do-
110.	S.Mohammed, Lal Saheb	PWI/KDP
111.	K.Fakruddin, Khaza	-do-
112.	R.Peeemalingappa, B.Thippanna	-do-
113.	B.Maddileti, T.Somanna	-do-
114.	T.Kambasiri, Thimmanna	-do-
115.	B.Adi Reddy, Chalapathi Reddy	-do-
116.	K.Eswaraiyah, Chinneppa	-do-
117.	Venkataramudu, Thimmappa	-do-
118.	G.Anjaneyulu, G.Lallappa	-do-
119.	C.V.Raja, opalaiah, G.Muktheswar Rao	PWI/NDL (P)
120.	Srihari, Narayana	ICW/RC
121.	A.L.Mahaboob Saheb, S.D.K.Saheb	PWI/DNC
122.	Chennappa, Malappa	PWI/KDP
123.	V.Anjaneyulu, Ven ateswarlu	PWI/ PT/BG
124.	G.Polaiah, Nagaiyah	-do-
125.	Mahaboob Peeran, Saik Saheb	-do-
126.	K.Gongaiah, Chengaiah	-do-
127.	G.Peddanna, Chulu-su	-do-
128.	S.Ramanjaneyulu, Lallappa	PWI KRY
129.	G.Kondaliah, Fre alaiak	PWI/BG/HPI
130.	G.Laxmaiah, Thimmappa	-do-
131.	A.Laxman, Anjanaiyah	-do-
132.	M.C.Obulesu, Dodappa	-do-
133.	P.Veerupakshi, Chinna Kallaiah	ICW/GY
134.	B.Pandu, B.Ranganna	ICW/GIL
135.	K.Raghunatha Chari, K.Doraswamyachari	PWI/BG/HPT

1	2	3
136.	N. Venkataramana, N. Narasinha Rao	PWI/BG/NTR
137.	P. Narayana Reddy, Chandra Reddy	IOW/CTL.
138.	Nagenna, Ranganna	PWI/HX
139.	D. Venkatesulu, D. Sunkanna	-do-
140.	K. Sreeramulu, Gengaiat	PWI/NRE.
141.	M. B. Lallappa, Narasanna	PWI/HX
142.	M. Krishnaiah, Venkataiah	-do-
143.	A. Balamoni Das, A. Ramaiah	-do-
144.	C. Sunkanna, Chinnappa	-do-
145.	Noor Mohammed, Mohammed Akbar Saheb	-do-
146.	K. Narayanaswamy, K. Subbaiah	IOW/RU
147.	Smt. Rayalamma, John	IOW/GY
148.	K. Narayanna, Kondappa	IOW/GTL.
149.	Devji, Hemu	PWI/RC
150.	Phoolsingh, S. Chavan	PWI/HX
151.	Devendrasappa, Chinna Ramudu	-do-
152.	Y. Sreenivasan, Yellappa	-do-
153.	P. Naganna, Chinnappa	-do-
154.	K. Narayana, Chanu	-do-
155.	Venkatesulu, Sunkanna	-do-
156.	Shaik Setter, Shaik Hussain Saheb	PWI/NRI.
157.	Bavaiah, Nallappa	-do-
158.	K. A. Xavier, Anthony	PWI/PAK
159.	K. Chinneiah, K. Dessaiah	PWI/CID.
160.	Y. Siva Prasad, Y. Subrahmanyam	PWI/HX
161.	P. Romanjeneyulu, P. Pullanna	PWI/HX.
162.	Khaja Hussain, Rehimthumaiah	-do-
163.	T. Fakkir Mohiddin, Fakruddin	PWI/PAK.
164.	A. Abdul Jaffar, Abdul Rezab	PWI/HX
165.	N. Ramanjaneyulu, Nettikallu	PWI/KRY.
166.	P. Hanumanna, Pullanna	**tex PWI/NRE
167.	P. Adinarayana, C. Pullanna	-do-
168.	B. Srinivasulu, P. Lelappa	-do-
169.	N. Subrahmanyam, Subbaiah,	-do-
170.	K. Narayudu, Pushpamani	PWI/HX.
171.	D. Onnur Saheb, Saibanna	PWI/PAK
172.	K. Narasimhulu, K. Ubaiah	PWI/PAK
173.	B. Kondanna, Komudu	IOW/GY.
174.	P. Narasinha Rao, P. Narasaiah	PWI/KST.
175.	L. Anantham, Linganna	-do-
176.	K. Sankaraiah, Chinnallappa	-do-
177.	S. N. Ramudu, Sanjanna	-do-
178.	P. Ramachandra Reddy, Muni Reddy	-do-
179.	K. Obulamma, Kondappa	-do-
180.	P. Bala Obulesu, H. Pullanna	-do-
181.	Chinna H. imonthy, C. Hanumappa	PWI/MOL
182.	Smt. U. Rhyshma, V. eraswamy	-do-
183.	C. Ranganna, Peddanna	PWI/MPL
184.	Shaik Hussain Peeran, Salim Peerana	-do-
185.	J. Pariyamma, John	-do-

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186. M. Sunkappa, Masthan	PWI/MPL
187. K.C. Vinkararamanna, Thomalleappa	-do-
188. S. Noor Ahmed, Shaik Saheb	-do-
189. A. Ramanjaneyulu, Ajjeneya	-do-
190. N. Beerappa, Mangappa	PWI/KRY
191. M. Obulu, Obaiah	-do-
192. M. Linganna, Linganna	-do-
193. Ranganna, Nanumanthu	-do-
194. L. Middleah, Lalappa	-do-
195. S. Ramachandra, Munappa	-do-
196. Nagaraj, Ranganna	PWI/CTO
197. Chinna Lalsheeb, Lalsheeb	-do-
198. K. Raja Copal naidu, Subbarayudu	-do-
199. P. Subbiah, Parrabhiramaiiah	-do-
200. D. Munuswamy, D. Govindudu	-do-
201. D. Hanumanna, Sunkappa	-do-
202. Y. Ramachandra, Y. Narayana	-do-
203. D. Shanthakumari, Mahaliah	-do-
204. Bodappa, Ujjanna	ICW/PAK
205. N. Bhaskar, T. v. Narasaih	PWI/NDL(P)
206. S. Sreeramulu, Chinna sunkappa	PWI/NDL(P)
207. Obboya Sunkanna, Thimappa	PWI/NDL(P)
208. T. S. Raja, T. S. Moni	-do-
209. Nagappa, Ramanna	-do-
210. G. Ramaihah, Ramalingappa	-do-NDL(G)
211. K. Jagannatham, K. S. shadri	-do-
212. K. Arjunesyulu, Remappa	-do-
213. K. Malleanna, Mallappa	-do-
214. P. Narayanaswamy, Pakiraopa	-do-
215. N. Venkataramudu, Venkatesulu	PAI/GID
216. N. Lasshmann, Nettigallu	-do-
217. T. Krishiah, T. Kasappa	PAI/MG/ATP
218. A. Sudhakara Reddy, C. R. Reddy	PWI/G/IG
219. S. Basah, Kodhar Vali	-do-
220. A. Ramakrishna, Pedenna	-do-
221. K. Gopinatha Rao, K. Krishna Rao	-do-
222. U. Nagabhusanam, Narayana	-do-
223. Jaffer Khan, Mahabob Khan	-do-
224. D. Hanumanthu, Ramulu	-do-
225. V. Hanumanthu Sunjeeva//a	-do-
226. D. Lakshminarayana, Narayappa	-do-
227. Mohan Reddy, Pulla reddy	-do-
228. P. Srinivas Rao, Seshagiri Rao	-do-
229. M. Obulapathim Onuurrappa	-do-
230. M. Chenchuramaih, Pothaih	-do-
231. Doraiswamy, Naidu Chinnappa Naidu	ICW/PAKA
232. Narasimhulu, Ganganna	PWI/GID
233. Smt. M.B. Narayana, Govindappa	PWI/NRE
234. J. Govindarajulu, D. K. Jayachandre	ICW/RU
235. P. Munikrishnaiah, Ramachandraiah	-do-

Cassette 60

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236. K.Narayanaswamy, Narayanna
237. U.Pullaiah, Obulesu
238. D.Venkatappa, Thippanna
239. Pullanna, Lakshmana
240. Bathapadu Sunkanna, Sunkanna

PWI/CTO
IOW/PAK
IOW/GY
IOW/RU
IOW/GY

Certificate of character from Gazetted Officer or Magistrate in the form prescribed as in Annexure I should be obtained from the above casual labour. In addition, the attestation form should also be filled by them but without identify card appended to the form. These should be collected and sent in one bunch within 4 weeks.

This has the approval of competent authority.

(G.Chennaiah)
for Sr.Divl Personnel
Officer.

c/- All PWIs/IOWs/BRIs. They will please take the above Construction CLs in the rolls against the posts reserved for 33 1/3% construction Casual Labour, duly maintaining their lien in Gangmen /Khalasi Category in scale Rs.725-1025/- Rs.750-940(RSRP).

c/- Employees, They will report for duty under the control of PWI/ IOW/BRI/ where they have been posted.

c/- Dy.CE/Construction/Rc.DEN/C/GTL.DEN/C/TPTY, XEN/DL/GTL for information and necessary action.

c/- Sr.DEN/Co.Ord., Sr. DEN/MG, SR.Dⁿ North, DⁿN/SW.Sr.DAC/GTL for information.

6/- All AENS /GTL for information and necessary Action.

c/- CPO/SC.CAOR/SC for information.

c/- Divisional Secretary, SCRESI SCRMU/GTL for information please.

For Sr, Divl Personnel Officer.

GUN TAK A L.

(22) (10)

SERIAL CIRCULAR NO.64 OF 1987 - CIRCULAR
FOR THE ABSORPTION OF CASUAL LABOUR WORKING UNDER PROJECTS.

(extract)

SUB:- Absorption of Casual Labour working under Projects.

In terms of instructions contained in Board's letter No.E^(G)11/79/CL/2 dated 27-7-1981, the Zonal Railways have been asked to continue the existing practice of seniority for screening of casual labour. At present, the following practice has been adopted on South Central Railway in this regard, in consultation with the organised Labour:-

i) Casual Labour on Open Line:-

The seniority unit for Casual Labour of open line for recruitment and screening for empanelment is the "INSPECTOR" in the case of Civil Engineering Department. Further, the same unit seniority with 'LIVE' Register is adopted for both "Revenue and Project" Casual Labour on open line. As far as all other Departments are concerned, the division is adopted as seniority unit.

ii) Casual Labour on Construction:-

(a) Civil Engg project labour:-

For engagement and retrenchment, the seniority unit is the DEN/CN. However for screening for absorption against 33 1/3% vacancies on open line, combined Divisional seniority is adopted. At the same time, for absorption against Class-IV posts created for the Project in which they worked, the concerned DEN/CN's C.Ls are only screened and absorbed.

x x x x x x

x x x

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH, AT HYDERABAD.

O.A. No. of 1992

Between

1. S.Ramaiah
2. A.Ralaiah
3. A.Elia
4. P.Kondaiah
5. P.Nagaiah
6. B.Thirupal
7. P.Chinna Devaiah
8. P.Aseervadam
9. Ch.Venkoji
10. K.Prakasam
11. Ch.Srinivasulu
12. P.Israil
13. L.Prabhudas.

App .. APPLICANTS.

and

1. Union of India, represented by the General Manager, South Central Railway, Rail Nilayam, SECUNDERABAD.
2. The Chief Administrative Officer (Construction), South Central Railway, SECUNDERABAD.
3. The Senior Divisional Personnel Officer, South Central Railway, GUNTAKAL, Anantapur District. RESPONDENTS.

MEMO FILED ON BEHALF OF THE APPLICANTS 2 to 13.

We, the undersigned, hereby authorise Mr.S. Ramaiah, the applicant No.1 in the O.A. to sign all the papers concerned on our behalf in connection with the said O.A.

Booshe a/s

(A.Balaiah)

Applicant No.2

A.Elia

(A.Elia)

Applicant No.3

Contd...2.

23



(34)

P. గోవాల్

(P.Kondaiah)

Applicant No.4

P. గోవాల్

(P.Nagaiah)

Applicant No.5

B. దిరుపాల

(B.Thirupal)

Applicant No.6

P. చిన్న దేవాయి

(P.Chinna Devaiah)

Applicant No.7

P. ఆసేరవాదామ

(P.Aseervadam)

Applicant No.8

C. H. వెంకోజి

(Ch.Venkoji.)

Applicant No.9

P. ప్రకాశమ

(K.Prakasam.)

Applicant No.10

C. H. స్రీనివాసులు

(Ch.Srinivasulu)

Applicant No.11

P. ఇస్రాయెల్

(P.Israil.)

Applicant No.12

L. ప్రాభుదాస

(L.Prabudas.)

Applicant No.13

Central Administrative Tribunal
HYDERABAD BENCH

6th Floor, Insurance Building
Tilak Road, Abids,
Hyderabad.

Date: 30-12-81.

O.A. Regd. No. 3414/81

To Mr. T. Lakshmi Narayana,
Advocate

Sir,

I am to request you to remove the defects mentioned below in your application, within 14 days from the date of issue of this letter; failing which your application will not be registered and action U/R 5 (4) will follow.

1. Service is to be made on the Deptt.
2. All Applicants should sign on OA or authorisation of the other Applicants should be filed.
3. A Petition U/n 4 (5)(c) seeking permission of the Tribunal to file single OA should be filed.

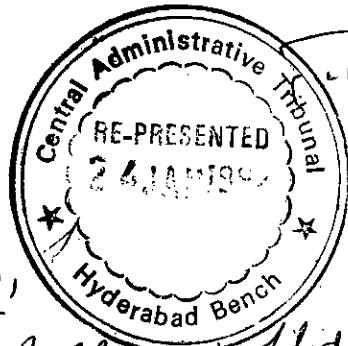


Re presented.

objection 1, 2 & 3 can be filed with

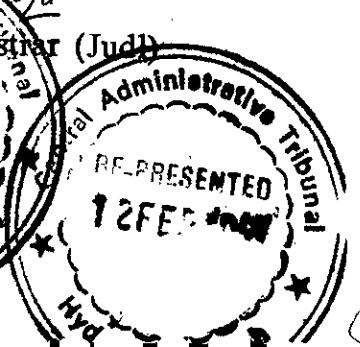
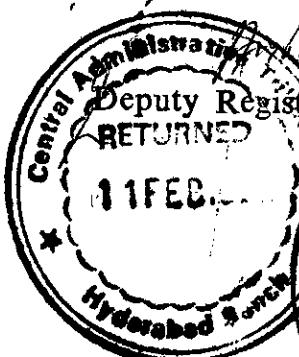
10.

Notd. - OA 81
3414/81



Allegy

2 more sets of OA should be filed
28/1/82
10/1/82



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

O.A.NO.113 of 1992. ✓

Between

Dated: 3.4.1992.

1. S.Ramaiah.✓
2. A.Balaiah.✓
3. A. Elia.✓
4. P.Kondaiah.✓
5. P.Nagaiah.✓
6. B.Thirupal.✓
7. P.Chinna Devaiah.✓

8. P.Aseervadam.✓
9. Ch. Venkoji.✓
10. K.Prakasam.✓
11. Ch. Srinivasulu.✓
12. P.Israil.✓
13. L.Prabhudass.✓

... Applicants
And

1. Union of India, rep. by the General Manager, S.C.Rly, Rail Nilaya, SEC-Bad.
2. The Chief Administrative Officer(Construction), S.C.Railway, Sec-bad.
3. The Senior Divisional Personnel Officer, S.C.Rly, Guntakal, Ananthapur.

... Respondents.

Counsel for the Applicants
Counsel for the Respondents

✓ Sri. T.Lakshminarayana.✓
: Sri. N.R.Devaraj, SC for Railways.

CORAM:

Hon'ble Mr. T.Chandra Sekhar Reddy, Judicial Member.

The Tribunal made the following order:-

As we are satisfied that this is a fit matter for adjudication, Admit the OA. The respondents may file their reply within 6 weeks with a copy to the advocate for the applicant. The applicant may file this rejoinder if any within one week thereafter. Keep the case before the Registrar for directions after the pleadings are complete.

After hearing both sides as an interim measure we direct the respondents that the posting of 18 casual Labourers at Giddalur Unit as Gangmen will be subject to the final outcome of the proceeding in this O.A.

Mr. T.Lakshminarayana, moves MA 183/92 for permission to file a single petition on behalf of all the 13 applicants. Heard both sides. MA is allowed.

8/3/92
Deputy Registrar(Judl.)

Copy to:-

1. General Manager, South Central Railway, Union of India, Rail Nilayam, Sec-bad.
2. The Chief Administrative Officer(Construction), S.C.Railway, Sec-bad.
3. The Senior Divisional Personnel Officer, South Central Railway, Guntakal Ananthapur District.
4. One copy to Sri. T.Lakshminarayana, advocate, 2-2-185/54/1, Bagh Amberpet, Hyderabad. *Done 16/6*
5. One copy to Sri. N.R.Ramana, SC for Railways, CAT, Hyd.
6. One spare copy.

Rsm/-

✓

2/2/92
TYPED BY

OA 113/92
COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V.C.

AND

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

AND

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

AND

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

Dated: 3/4/1992

ORDER / JUDGMENT

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

in

O.A. No.

113/92

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Disposed of with directions

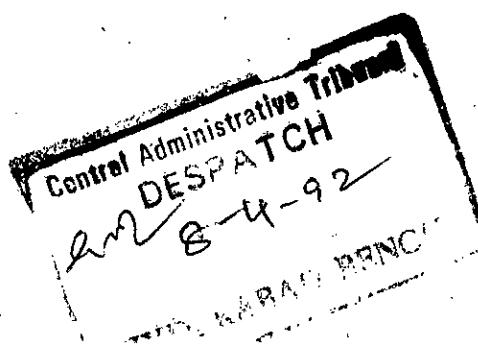
Dismissed

Dismissed as withdrawn

Dismissed for Default,
M.A. Ordered/Rejected.

No order as to costs.

pvm.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:::

AT HYDERABAD

O. A. NO. 113 OF 1992

Between

Sri Ramaiah & 12 others

and

V.O.P. Rep. by The
General Manager,
South Central Railway
Secunderabad. and 2 others

App.

Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS

I, K. Thiagarajan, ^{Swamy} s/o V. Krishnamurthy, aged about 40 years occupation Government Service do hereby affirm and state as follows:

1. I am the Senior Divisional Personnel Officer and Respondent No. 3 and as such I am fully acquainted with all facts of the case. I am filing this Counter Affidavit on behalf of all the respondents herein as I have been authorised to do so. The material averments in the O.A. are denied save those that are expressly admitted herein. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder:

2. The brief facts of the case are stated as under:

It is submitted that the applicants i.e., Sri Ramaiah and 12 others are working as Casual Labour on APS-Scales of Pay in Engineering Department (Open-Line) under the seniority unit of Permanent Way Inspector/Giddalur on Guntakal Division. Generally the APS Khalasis are absorbed against the regular vacancies after screening by a committee of officers based on their length of service put in that particular unit. As per the extant instructions 33 1/3 of vacancies arising in Class-IV categories from 10-11-1983 are to be set aside for absorption of the Casual Labour working in Construction Organisation, which are in the territorial jurisdiction of concerned division. A sum total of 18 vacancies are set aside from Permanent Way Inspector/Giddalur Section, duly assessing the vacancy position with retrospective effect i.e., from 10-11-83) which could not be filled in as the screened Casual Labour of Construction Organisation were not available at that time.

Attest:

Rajesh
2021 102, Raja G. R. A.
Asst. Divisional Officer
S. C. Ramaiah/Giddalur

K. Thiagarajan
2
2021 102, Raja G. R. A.
Sr. Div. Officer

(38)

3. It is submitted that during August 1991, the 2nd respondent has sent a panel of construction Casual Labour, who were working in the territorial jurisdiction of Guntakal Division as on 30-09-90, addressed to the 3rd respondent under cover of his letter No. PCon/677/Screening/GTL dated 9-8-91. 18 Casual Labour from this panel were absorbed as Gangmen/Khalasis and posted to Permanent Way Inspector/Giddalur against the vacancies set aside for Construction quota. Hence, the contention of the applicants that they have been deprived of their chances for absorption by posting the Construction Casual Labour against the regular vacancies is not correct.

4. In reply to para-3, it is submitted that the applicants are the Casual Labour working under the seniority unit of Permanent Way Inspector/Giddalur in Engineering Department on Guntakal Division. They have attained temporary status and have been waiting for permanent absorption against regular vacancies in that particular unit i.e., Permanent Way Inspector/Giddalur since the seniority criterion of the Open Line Casual Labour is inspector wise vide letter No. P(E)407/Project Casual Labour dated 23-4-87 of the Chief Personnel Officer South Central Railway.

5. In reply to para-6, it is submitted that

1) The applicants were initially engaged as Casual Labour on daily rates of pay under Permanent Way Inspector/Giddalur and they were brought on monthly rates (AP Scales) of Pay (temporary status) on completion of 120 days continuous service. In terms of the above said letter dated 23-4-87, the seniority unit for project Casual Labour of Open Line for recruitment and screening for empanelment is the 'INSPECTOR' in the case of Civil Engineering Department.

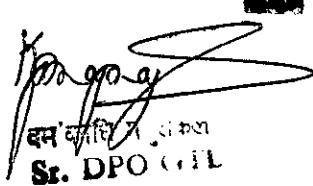
The details of the applicants viz., their initial engagement and dates on which they have been brought on temporary status are furnished below:

Attestor



पंकज कुमार शर्मा
दूसरा निधा नं. 1, गुत्का
Asst. Engineer-in-Charge
S. C. Railway/Guntakal

Page 3 of 2



पंकज कुमार शर्मा
Sr. DPO (GTL)

SL No.	Name (S/Sri)	Date of birth	Date of initial engagement	Date of temporary status granted
1.	S.Ramaiah	1-6-52	10-9-77	19-12-87
2.	A.Belaiah	4-8-55	10-9-77	19-12-87
3.	A.Elaiah	13-7-58	10-9-79	19-12-87
4.	Pg.Kondaiah	10-1-59	10-9-77	19-12-87
5.	Pg.Nagaiah	12-6-59	19-9-77	19-12-87
6.	Pg.Thirupal	10-4-59	19-9-77	28-3-88
7.	Pg.Chinna Devaiah	15-6-59	19-9-77	28-3-88
8.	Pg.Aseervadam	1-2-54	19-9-77	28-3-88
9.	C.H.Venkoji	1-7-57	20-9-77	28-3-88
10.	K.Parakasam	15-7-58	20-9-77	7-11-88
11.	C.H.Srinivasulu	1-7-60	11-11-77	7-11-88
12.	Pg.Jerail	15-6-60	19-9-77	7-11-88
13.	C.Prabhudoss	2-4-54	10-5-72	7-11-88

iii) Earlier there was a Permanent Way Inspector/CTR unit existing in Assistant Engineer/Nandyal sub-division, while closing the said unit in November 1986, the Casual Labour (Total No.133) working under Permanent Way Inspector/CTR were distributed to Inspector-units under the control of Assistant Engineer/Nandyal sub-division vide Asst.Engineer/Nandyal's letter No.12 of 11-5-87. But the names of the Casual Labour were not included in any of the Live Registers maintained by the Inspectors viz., Permanent Way Inspector/Dronachalam, Nandyal (P), Nandyal (G), Giddalur and Inspector of Works/Nandyal working under Asst.Engineer/Nandyal sub-division. These Casual Labours were utilised as a mobile gang and utilised for the urgent works available under various inspectors within the jurisdiction of Asst.Engineer/Nandyal sub-division. These Casual Labour have represented for inclusion of their names in the Live Registers maintained in any of the inspectors units under the jurisdiction of Asst.Engineer/Nandyal sub-division. These Casual Labour have also represented that the Casual Labour whose names were already in the Live Registers of respective units under Asst.Engineer/Nandyal sub-division were getting the benefit of empanelment though they were junior to CTR Casual Labour.

In this connection, the Chief Personnel Officer vide his letter No.P(R)407/DCL/ENGG/III of 28-12-1989 has advised this office that the CTR Casual Labour are to be

Attested *Rajay*

Asst. DPO, CTR
S.R.R. & Co. Engineers

Rajay
S.R.R. & Co. Engineers
Sr. DPO, CTR

Page 4 of

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charged to the revenue and the screening is to be conducted as per the normal principles of screening against the number of posts sanctioned. Therefore, it has been decided after consultation with both the recognised Trade Unions that the screening of CTR Casual Labour may be done, based on their place of working as on 31-12-88. Accordingly their names have been incorporated in the Live Register of the concerned units.

So far, as the seven names of Casual Labour (except Sri. B. Adinarayana) referred to in this para are concerned they belong to CTR Casual Labour who were working under the control of Permanent Way Inspector/Giddalur as on 31-12-88 and they have been screened and absorbed against regular vacancies as Gangmen in scale Rs.773-1025 (RSRP) for the period ending 31-12-88.

In so far Sri B. Adinarayana though his name was in the Live Register of Permanent Way Inspector/Nandyal (P) he was absorbed as a regular Gangmen to work under Permanent Way Inspector/Giddalur as he was working under the control of Permanent Way Inspector by the time the screening was conducted for the period ending 30-9-67.

Further, the statement that the 21 Casual Labour referred to in this para belong to Engineering Construction Project controlled by CAOR/Secunderabad is not correct. But, they originally belonged to Permanent Way Inspector/CTR of Asst. Engineer/Nandyal sub-division. As has been explained in the earlier para, these 21 names of Casual Labour were included in the Live Register of Permanent Way Inspector/Giddalur as they were working under Permanent Way Inspector/Giddalur as on 31-12-88. Since these Casual Labour happened to be seniors to the Casual Labour, who were screened and absorbed as Gangmen for the period ending 31-12-88 vide memorandum No.G.P.407/IV/DCL of 9-6-87, the memorandum issued has been treated as cancelled with the approval of the Divisional Railway Manager vide letter No.G.P.407/IV/Decasualisation of 24-04-90. A fresh screening was conducted duly preparing a fresh seniority list duly incorporating the names of the CTR Casual Labour into the names of the Casual Labour who were already borne on the

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Rajon ^{S.C.}

अधिकारीक दस्तावेज़ / अधिकारी
दस्तावेज़ संदर्भ रेलवे गुरुत्वाल
Asst. Inspector Officer,
S. C. Railway/Guntakal

Кончаков
M. DPO/GTR

Sc. DPO/GIL

(LIC)

Live Register of Permanent Way Inspector/Giddalur Due to the exigencies of services, the Casual Labour of Permanent Way Inspector/Giddalur section have been utilised in different Permanent Way Inspectors units. But their screening and absorption is being made in the Permanent Way Inspector/Giddalur unit as their names are borne in the Live Register of Permanent Way Inspector/Giddalur. Likewise, the Casual Labour of other units working under Permanent Way Inspectors/Giddalur section are being absorbed in their parent unit only.

As per policy stated letter No. P(R)407/IV of 10-11-83 (SC 163/83) of Chief Personnel Officer, 33 1/3% of vacancies in Class-IV categories are to be set aside for the Construction Casual Labour. Due to non-availability of screened Casual Labour of Construction Organisation their quota could not be filled in while conducting screening and absorption of Casual Labour of Permanent Way Inspector/Giddalur during the period from 30-06-85 to 31-12-90 and the vacancies accumulated with retrospective effect to the tune of 18. The contention of the applicants that vacancies are to be assessed within a period of one year for absorption of Construction Casual Labour in that particular year of empanelment and absorption is not correct. All the 29 Casual Labour as mentioned in this para are not belonging to the Construction department. They are only the CTR Casual Labour, who worked in Open Line units. Further, the contention of the applicants that the quota prescribed for Construction Casual Labour has far exceeded the number due to them consequent on the absorption of the 29 Casual Labour referred to in this para is also not correct.

iv) There were 357 vacancies pertaining to different units to be filled up by the Construction Casual Labour as per their quota on Guntakal Division, and a letter has been addressed to the 2nd respondent to send a list of 357 Casual Labour for absorption against the above vacancies.

Accordingly, the 2nd respondent sent a panel consisting of 385 Casual Labour working in different Construction Organisations under the territorial jurisdiction of Guntakal Division under the cover of this letter No. P(Con/677/Screening/GTL of 9-8-91. These Casual Labour are being

Attestor

Rajesh
अर्जुन
दामोदर राजेश गुंटकाल
Ass: _____
S. C. Railway/Guntakal

Page 6

K. Mahadev
कृष्ण महादेव
S. C. Railway/Guntakal

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absorbed as Gangmen/Khalasis against the vacancies set aside for Construction Casual Labour as per their quota in different Units including Permanent Way Inspector/Giddalur vide letter No. G.W.P. 407/IV/Com/PL/CL of 26-11-91. The 18 persons referred to in this para belong to construction organisation, who were posted to Permanent Way Inspector/Giddalur against the vacancies set aside for them.

None of the Casual Labour of Construction Organisation except the 18 referred to in this para were posted to Permanent Way Inspector/Giddalur section against the quota set aside for project Casual Labour. In view of the above, the contention of the applicants that they have been deprived of the absorption chances against the regular vacancies consequent on posting of Construction Casual Labour is not correct. The Construction Casual Labour are posted against the vacancies set aside for them only. The Casual Labour of Open Line including the applicants are not eligible for absorption against the vacancies set aside for the Construction Casual Labour.

v) The 18 vacancies referred to in this para were ~~not~~ set aside for the Casual Labour of Construction Organisation as referred to in the above para. Accordingly these vacancies were filled in by the Construction Casual Labour only. The applicants have no legitimate right to ask for the absorption against these vacancies. As submitted in the earlier areas no Construction Casual Labour was posted to Permanent Way Inspector/Giddalur in excess of the vacancies set aside for Construction Casual Labour. Further, it is also submitted as in the earlier paras that the Casual Labour are being utilised in different Permanent Way Inspectors Units due to the exigencies of services. But their absorption to the regular vacancies is being done in their parent unit only where their names are borne on the Live Register.

6. In reply to para-7, it is submitted that the eighteen vacancies under Permanent Way Inspector/Giddalur which were set aside for Construction Casual Labour were filled in by the Construction Casual Labour only. Apart from the 18 Construction Casual Labour none of the Construction Casual Labour were posted to Permanent Way Inspector/Giddalur in excess.

Attest:

Rajesh

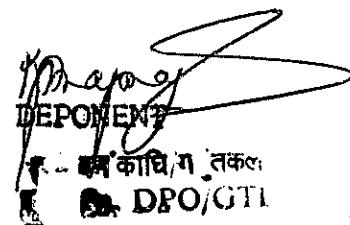
अधिकारी काम के अधिकारी
रेलवे मंत्रालय रेलवे गुंतवाल
Asst. Engineer-in-Charge
S. C. Railways/Guntakal

काम के अधिकारी
रेलवे मंत्रालय
S. C. Railways/Guntakal
SS. DPO/...

43

7/10/92

7. In view of the above submissions, it is clear that the applicant has not made out any case and there is no merit in the O.A. For the reasons stated above the Hon'ble Tribunal may be pleased to dismiss the O.A. with costs and pass such other or further orders as it deems fit and proper in the circumstances of the case.


DPO/GTI
DEPOSITION
प. रेलवे गुंटुर तकल
DPO/GTI

Solemnly and sincerely affirmed

this 4/15 day of Dec 1992

and he signed his name in my presence

Attestor



रेलवे अधिकारी
रेलवे गुंटुर तकल
Asst. Personnel Officer
S. C. Railway/Guntur

Before me

3. All Construction/Project Labour having broken periods aggregating to 1200 days and working at the time of notification for screening in a Construction Unit/Project lying within the jurisdiction of particular Division, including those who have been discharged from these units due to completion of works and who have not been re-engaged, having completed 1200 days service as on Books may be called for screening by the nominated committee of DEN(Con) and SPO/Con or DPO/APO and form a common panel of these employees depending on the number of days of service they have put in subject to their suitability and the panel be made available to respective DRM/DPO of the Division concerned. The DPO of the open line division will draw men from this panel to the extent of 33.1/3% of the vacancies and incorporate them with the open line panel of each unit depending upon their seniority position. While incorporating in the panel care should be taken to absorb them into the open line units nearer to the places of work of Construction Labour to avoid undue hardship.

This issues in consultation with SCRM Union and SCRE Sangh.

...

Estt. Serial Circular No.163/83 - Circular letter No.P(R)407/IV
Dated 10.11.1983.

Sub:- Screening and absorption of Construction/
Project Casual Labour in the panel formed
for absorption in the open line.

Reference is invited to para F(ii) of Board's letter No.E (NG) II-77.CI/45 dated 8.6.81, copy circulated under this office Serial Circular No.78/81 dated 4.7.91. Wherein the Board have stated that Casual Labour employed on Projects should as a rule, be appointed against Class - IV posts that may be required for operation and maintenance of new assets, created viz., New Lines, Conversions, Doubling, Major yards remodelling etc., i.e., the posts should be filled exclusively from Casual Labour, who had worked at the project stage. An exception can be made only if there are Open Line Casual Labour in the area covered by the local recruitment units of the Inspector, who have worked for longer periods than the Casual Labour on Construction Projects which will continue to hold good so far as this category is concerned.

2. CE (OL) in consultation with the Organised Labour have issued detailed instructions regarding screening of Casual Labour due to decasualisation in P.Way Gang Strength in his letter No.W.NG/9/3/GS/Vol.II dated 29.7.83. This will continue to hold good to decasualisation only.

3. The existing practice of screening of Casual Labour for formation of panels for Revenue vacancies under Open Line Inspectors is defering from Division to Division and unit to Unit for various reasons. As per the extant orders, Construction Labour has to apply to consider him for screening at the time of formation of panel for Class.IV posts. In some cases due to ignorance of rules and also being illiterate they are not prompt in submitting their application in time to consider them for screening. With a view to avoid undue hardship to the employee and also to reduce unproductive Clerical work, the following procedure be adopted with immediate effect:-

- i) 66.2/3% of vacancies in the Units under Open Line ION/PWI/BRI Inspectors can be filled by screening the Casual Labour available in the area under Open Line ION/BRI/PWI etc.
- ii) 33.1/3% of vacancies in the particular unit under each Open Line ION/BRI/PWI may be set apart for absorption by Casual Labour of Construction/Project Labour.

.....2.

Rajiv
राजीव कांगड़ा राज्य
For Sr. DPO/GRL

COPY TO --

1. Dy.CE/C/RC,
DEN(C)GTL
DEN(C)TPTY
XEN(D)GTL
for information along with 2 copies of the above panel. They are advised to direct the above casual labourers to DRM/P/GTL as and when advice is received from him.
2. Sr.DEN/Co-ord/PG/GTL for information along with a copy of the above panel (DA: One).
3. General Secretary/SCRMU/SC | for kind information
General Secretary/SCRES/SC | with a copy of the
Divisional Secretary/SCRMU/GTL | above panel.
Divisional Secretary/SCRES/GTL

B. Hanan 7.8.71
for Chief Admn. Officer/C/SC.

SOUTH CENTRAL RAILWAY

Annexure-II
2 DPO/GTL

Headquarters Office,
Works (Constrn) Branch,
Secunderabad-500371.

No. P/Con/677/Screening/GTL

20/8

9.8.91

-8-91.

DRM(P)GTL

Sub: Panel of Construction Casual labour working in the territorial jurisdiction of Guntakal division as on 30.9.90.

Ref: DRM/GTL's DO letter No.G/P.407/IV/CN/PL/CL dt. 1.3.91.

A panel consisting of 385 construction Casual labourers pertaining to Guntakal Division who were screened and foundx suitable for absorption against 33 1/3% quota of Open Line vacancies of Guntakal Division is sent herewith in duplicate. Please arrange to issue necessary posting orders to absorb these casual labourers under advice to this office.

Adequate number of Casual Labour belonging to ST community could not be empanelled for want of candidates.

Empanelment of casual labour at Sl.Nos. 4, 22, 47, 89, 99, 105, 108, 116, 140, 141, 152, 200, 273, 281 & 344 is subject to Production of Caste certificate in the prescribed proforma from the competent authority.

The service register of Sri A.Laxman against Sl.No. 131. was not produced. His empanelment is subject to verification of service particulars.

In the case of casual labour against S.Nos. 139, 164, and 355 the date of birth is not available. Their empanelment is subject to verification of date of birth.

With regard to the casual labour against S.No.141, 149, 252 and 317 there is no entry in their service registers with regard to their medical fitness. Their empanelment is subject to medical examination.

Age exemption has been obtained from the competent authority in regard to the casual labour who are overaged.

This issues with the approval of competent authority.

Encl: As above.

B. Haranatha Rao

(B. HARANATHA RAO) 9/8/91
for Chief Admn. Officer/Con/Co.

...2...

Rao
for Sr. DPO/GTL

Sl. No.	Name (s/Shri)	PTI/No.
46.	Erraguntla Thimmaiah	48
47.	Abdul Basha	49
48.	Bukkapuram Nagabhushanam	50
49.	Y. Balamaddileti	51
50.	Giddaiah Maddileti	52
51.	M. Ramudu	53
52.	Bukkapuram Somanna	54
53.	Erraguntla Ramudu	55
54.	Bingi Venkataramana	56
55.	Gutupalli Subbanna	57
56.	Jaladurgam Madanna	58
57.	Mukkasi Pullaiah	59
58.	M.N. Ratnam	60
59.	Bandila Maddileti	61
60.	Yerraguntla Lazer	62
61.	Yerraguntla Pullaiah	63
62.	Gutipalli Balanna	64
63.	D.C. Maddaiah	65
64.	Ediga Venkataiah	66
65.	Eddula Vijaya Rao	67
66.	Manne Sikamani	68
67.	SK. Ismail	69
68.	Dorapalli Sunkanna	70
69.	SK. Hussain Saheb	72
70.	B. Esaiah	73
71.	D. Hussain	74
72.	G. Chakali Laxmanna	75
73.	Kandi Doraswamy	76
74.	G. Siva Reddy	77
75.	V. Ramudu	78
76.	Golla Gorantla	79
77.	MLK. Venkateswarlu	80
78.	P. Balaraj	82
79.	V. Laxmaiah	83
80.	SK. Mahaboob Basha	84
81.	Nazervalli	85
82.	Kothapalli Venkataiah	86
83.	M. Esurathnamaiyah	87
84.	Namulaguntla Laxmanna	88
85.	Purushotham	89
86.	SK. Basheer	90
87.	Talari Sunkanna	91
88.	Salla Maddileti	92
89.	B. Rangaswamy	93

Contd....2..

Darla
कर्मसुन्दरी नगर
For Ss. DPO/Off.

SOUTH CENTRAL RAILWAY.

No. 12.

OFFICE ORDER No. 17/87.Annexure - MOffice of the Asst. Engineer
Nandyal, dt. 11.5.1987.

The following APS/Monthly rated Khalasis are transferred and posted to work under the following PWIs, IOWs & DSK noted against each. The order should be effected from 21.5.87 certain.

Sl. No.	Name (S/Shri)	LTI No.	
1.	Thimmaiah	1)
2.	Salla Pedda Maddileti	2)
3.	Salvala Thimmaiah	3)
4.	Ediga Madanna	4)
5.	Salla Laxmanna	5	PWI/NDL (P)
6.	Akumalla Jayanna	6)
7.	M. Satyamaiyah	7)
8.	Yarraguntla Nadipi Iyyanna	9)
9.	Konapalli Maddaiah	10)
10.	Konnapuram Maddaiah	11	Ø
11.	Abel Jayaraj	12)
12.	Kaleel Ahmed	13)
13.	E. Prasad	14)
14.	E. Venkateswarlu	15)
15.	Boya Thimmaoppa	16)
16.	Garlapati Maddaiah	17)
17.	P. Naganna	18)
18.	Anjanaiah	19)
19.	Manne Danam	20)
20.	P. Devavaram	21)
21.	SK. Mahaboob Basha	22)
22.	Manne Doraswamy	23)
23.	CH. Sreemannarayana	24	PWI/NDL (G)
24.	Y. Venkatanarayana	25)
25.	N. Eswaraiah	26)
26.	Md. Dastthagiri	28)
27.	Muddaram Laxmanna	29)
28.	Kocheruvu Peddaiah	30)
29.	Anjaneyulu	31)
30.	SK. Ismail	32)
31.	Mullagurthi Sunkanna	33)
32.	D. Sudarsanam	34)
33.	Gudese Chennamaddi	35)
34.	V. Subbarayudu	36)
35.	S. Maddaiah	37)
36.	Golla Eswaraiah	38)
37.	Pasupula Esaiah	39)
38.	B. Anjaneyulu	40)
39.	Garlapati Maddaiah	41)
40.	M. Iyyanna	42)
41.	Bukkapram golla Naganna	43)
42.	Devasahayam	44)
43.	Anchikatla Nagama	45)
44.	Vattvalla Maddileti	46)
45.	MLK. Moulali	47)

Contd. 2...

Rajm
कृत दस्तावेज तका
For Sr. DPO/GTI

Sl. No.	Name (G/Shri)	PI No.
136.	P.Baludu	144
137.	Y.Thirupalu	15
138.	N.Subbarayudu	16
139.	G.Prasad.	17
140.	Pedda Kistaian	14
141.	Alla Maddileti	149
142.	Manne Sundaram	150
143.	Angadati Sarjamna.	151
144.	Mokasi Venketaramudu	152
145.	Yerukalapati Maddiah	153
146.	K.Ranga Reddy	154
147.	MLK. Mahaboob	155
148.	Taluka Jeevaratham	156
149.	Taluka Maddaiah	157
150.	K.Maddaiah	158
151.	V.Thimaiah	159
152.	T.Naganna	160
153.	Jahangeer Bhasha	161
154.	P.Santenna	162
155.	P.CH.Venkataiah	163
156.	K.Israil	164
157.	J.Ananda Rao	165
158.	J.Bhaskar Rao	166
159.	Ramerayulu	167
160.	CH.David	168
161.	CH.Vijayasekar	169
162.	SK.Chinnavali	170
163.	Sk.Mahaboob Basha	171
164.	D.Bala Venkata	172
165.	D.Balaguram	173
166.	P.Joseph.	174
167.	Gora Elisha.	175
168.	Noolu Subbarayudu	176
169.	P.Dibba Reddy	177
170.	Pedda Pandu	178
171.	M.Zermaiah	179
172.	P.Maddileti	180
173.	K.Rangaswamy	181
174.	Boya Chennaiah	182
175.	M.Narasimhulu	183
176.	A.Pamuleti	184

(Educated Khalasi
Working with DSK/II/
NDL vide Sr.DEN/MG/GTL
Lr.N.G/W.407/ELR of
21.3.86).

....5.

For Sr. DPO/GTL

48

Sl.

No.	Name (S/Shri)	L.T. I. No.
90.	Golla Subbanna	94)
91.	J.Ramanna	95)
92.	T.Chennaiah	96)
93.	Garlapati Thimmaiah	97)
94.	Arava Maddaiah	98)
95.	Eddula Sreeramulu	99)
96.	Babusaheb	100)
97.	Y.Sekhar	101)
98.	Rangaswamy	102) PWI/CIR/GID
99.	Golla Maddileti	103)
100.	Thummalapenta Peddanna	104)
101.	Golla Kistaiah	105)
102.	P.Mahammed Khan	106)
103.	Sk.Hussain	107)
104.	Sd.Hazeem	108)
105.	P.Subbarayudu	109)
106.	Kotla Yeub	110)
107.	Sk.Shaikshavali	111)
108.	T.Nagaraj.	112)
109.	Manne Zermaiah	113)
110.	S.CH.Subbarayudu	114)
111.	MLK. Narasimhulu	115)
112.	Yerramala Erraiah	116)
113.	Thimmaiah	117)
114.	L.Isac.	118)
115.	Yerraguntla Subbiah	120)
116.	Kothapalli Madanna	121)
117.	Khasimvali	122)
118.	K.Agastin	123)
119.	G.Philips.	124)
120.	D.Isaiah	125)
121.	Iyyabathula Laxmoji Rao	126)
122.	T.Maddileti	128)
123.	K.Venkataswamy	129)
124.	Midde Thimmanna	130)
125.	Juturu Khasim	131)
126.	M.Sali Subbarayudu	132) PWG/CTR/CBM
127.	Midde Maddileti	134.)
128.	M.James	135)
129.	Garlapati Pullaiah	136)
130.	G.Sreenivasulu	137)
131.	S.Samuel	138)
132.	Manne Yesurathnam	140)
133.	A.Venkataramudu	141)
134.	KFY.Bala Subbarayudu	142)
135.	Gopanna	143)

....4.

Raym
 श्री वर्म कालिनग लक्ष्म
 For Ss. DFO/GID

48

<u>Sl. No.</u>	<u>Name (S/Shri)</u>	<u>LTI. No.</u>
177.	Habi Rasool	188)
178.	P.Bala Venkata	189)
179.	V.Narasimhulu	190)
180.	B.Arther	192) DSK/II/NDL.
181.	Bala Narasimhulu	193)
182.	M.Pandu	194)
183.	M.Raju	195)
184.	N.Madar Saheb	196)
185.	Sk.Mahaboob Vali	197)
186.	K.Koti Reddy	198)
187.	K.Kesaiah	199)
188.	P.Chennaiah	100)
189.	Sk.Ch.Rasool Peoran.	201)
190.	Sk.Jayanulabdin	202)
191.	Sk.Mosthanvali	203)
193.	Yerramala Yellaiah	116) ..W.C. case.
192.	M.Pandurangaiah	204)
193.	B.Babu Rao	205) IOW/NDL.
194.	M.Ranganna	206)
195.	V.Devabhushanam	207)
196.	P.Balaswamy	208)
197.	B.Alfred	209)

Note:- Items. 8, 27, 55, 71, 119, 127, 133, 139, 162, 163,
166, 168, and 191 Left service.

Sd/-x-x-x-x
Asst.Engineer/Nandyal.

C/- PWIs/Plains, Chats, CTR/CBM, CTR/GTD, SW/NDL, DSK/NDL
IOW/NDL, PWI/DNC, PWI/GTD.

C// Sr.DPO/GTL, Sr.DAO/GTL, Sr.DEN/MG/GTL.

C/- Secy./SCRES/NDL, SCR MU/NDL.

Raju

स्ट्री वर्म कल्पिता तंत्रज्ञ
for Sr. DPO/GTL

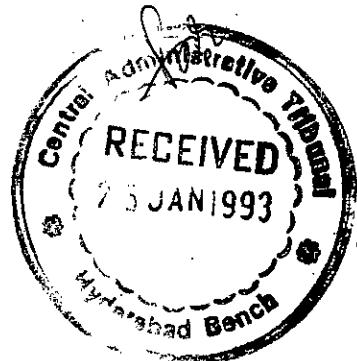
In the C.A.T.
Hyd Bench



OA 113/92

Counter Affidavit

Received Copy
Delhi Nagar
Dr. Lakshminarayana
T. Devaraj
Advocate



N.R. DEVARAJ
Advocate &
Standing Counsel for Railways,
6, Lalithanagar,
Jomai Osmania,
HYDERABAD-500 044

X3
South Central RailwayHeadquarters Office,
Personnel Branch,
Secunderabad.

No.P(E)407/De-casualisation/Engg. III Dated. 27-12-1989.

DRM/GTL.

Sub.-De-casualisation - Filling up of posts
under AEN/NDL sub-division.Ref.- DD letter No. G/P/407/IV/De-casualisation
dt. 7-12-1989 from Sr.DPO/GTL to SPO/E&HQ.

1. (a) The above subject was discussed on 27-12-'89 by CPO/Admin. with Sr.DPO/GTL at SC. The latest position as given by Sr.DPO is that all the labour are charged to the "revenue" under the PWIs and the so called CTR labour existed only in the past and not at present. It has also been found out that ~~some~~ working on the "Revenue" side only and carried on the rolls of the PWIs.

(b) The objection of the SCRE Sangh is that they are not agreeable to the allocation of posts at 2:1 between Open Line and CTR labour and also for allocating any posts of IOUs to CTR labour under IOUs separately.

(c) The S.C.R.M.Union have stated as advised by Sr.DPO/GTL in his letter cited above that either the joint decision taken to allocate the posts at 2:1 between Open Line and the CTR labour should be followed in toto including the allocation of IOU posts to CTR labour or the labour working under the respective PWIs should be taken into the Live Registers and screen there without any separate allocation to CTR or Open Line. *(Enc)*

2. With the background mentioned at para 1 above, all the labour being charged to the Revenue, the ~~decision~~ decision to allocate the posts in some ratio to Open Line and ex CTR is not considered sound. As per the normal principles of screening, the labour who is working under the PWIs should be screened against the number of posts sanctioned and so also for the labour in the case of IOUs.

3. You may please, therefore, arrange to take action as at para 2 above by cancelling the panels already declared for 77 Open Line CLs under AEN/NDL sub-division duly following the procedure and intimating in advance the Divisional Secretaries of S.C.R.E.Sangh and S.C.R.M.Union.

Sd/-(R. KRISHNA MURTHY)
for General Manager.*Aug 90
A.D.C/E**Rajm**B-1-90.*कृत दस्तावेज तकर
For Sr. DPO/GTL

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

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

ORIGINAL APPLICATION NO. 113/12 OF 199

TRANSFER APPLICATION NO.

OLD PETN. NO.

CERTIFICATE

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided)

Dated: 26/9/95

Counter signed:

Court Officer/Section Officer.

pvm.

sf

Signature of the Dealing Asst.

(40)

In the Central Administrative Tribunal, Hyderabad Bench
Hyderabad

O.A 113/92

Dt. 7-6-95

Between

- 1) S. Ramaiah
S/o Shri Chinna Venkatasubbaiah
Aged about 35 years
Casual labour, Office of the
Permanent-way Inspector, S.C. Rly.
South Central Railway,
Giddalur, Prakasam District (A.P)
- 2) A. Balaiah
S/o Polaiah,
aged about 35 years
Casual labour, office of the
Permanent Way Inspector,
Giddalur, Prakasam District (A.P)
- 3) A. Elia, aged about 35 years
S/o Abraham, Casual labour,
office of the permanent way
Inspector, S.C. Railway, Giddalur,
Prakasam District, A.P.
- 4) P. Kondaiah,
aged about 35 years,
Casual Labour, S.C. Rly,
office of the Permanent way
Inspector, Giddalur,
Prakasam District, (A.P).
- 5) B. Tirupal
aged about 32 years
S/o B. Nagaiah,
Casual labour, S.C. Rly,
office of the Permanent -way
Inspector, Giddalur,
Prakasam District (A.P).
- 6) P. Nagaiah,
aged about 36 years
S/o P. Nagaiah
Casual labour, S.C Rly,
office of the permanent way
Inspector, Giddalur,
Prakasam District, (A.P).
- 7) P. Chinna Devaiah,
Aged about 32 years,
S/O P. PeddaVenkataiah,
Casual Labour, office of
the Permanent way Inspector
S.C Rly, Giddalur,
Prakasam District (A.P)
- 8) P. Aseervadam aged about 35 years,
S/o P. Issac, Casual labour
office of the Permanent way
Inspector, S.C. Rly, Giddalur,
Prakasam District, (A.P)

(51)

9. Ch. Venkoji
aged about 35 years
S/o Ch. Venkoji,
Casual labour, Office of
the Permanent way Inspector,
Giddalur, S.C Rly, Giddalur,
Prakasam District, (A.P.).

10. K. Prakasam, aged about 32 years,
S/o K. John, Casual Labour,
Office of the Permanent Way Inspector,
S.C Railway, Giddalur,
Prakasam District (A.P.).

11. Ch. Srinivasulu, Aged about 33 years,
S/o Venkata, Casual labour,
office of the Permanent Way Inspector,
S.C Railway, Giddalur,
Prakasam District.

12. P. Israil, aged about 35 years
s/o P. Musalaiah, Casual Labour,
office of the Permanent way
Inspector, S.C Rly,
Giddalur, Prakasam district (A.P)

13. L. Prabhudass, aged about 40 years
S/o L. Issac,
Casual Labour, office of the
Permanent Way Inspector,
Giddalur Prakasam District (A.P) APPLICANTS

AND

- 1) Union of India, represented
by the General Manager,
South Central Railway,
Rail Nilayam, Secunderabad (A.P)
- 2) The Chief Administrative
officer (Construction),
South Central Railway,
Secunderabad (A.P)
- 3) The Senior Divisional
Personnel Officer,
South Central Railway,
Guntakal, Anantapur District (A.P)

.... Respondents

Counsel for the applicants : Shri T. Lakshminarayana

Counsel for the Respondents: Shri N.R. Devaraj

Coram

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

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

WAV

OA 113/92

1) AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN 1

JUDGEMENT

No one is present for the applicants.

The record is perused. Shri N.R. Devaraj, learned sr. Standing counsel was present.

2. These 13 applicants were engaged as casual labourers on A.P scales of pay in the Engineering Department (Open line) in the seniority unit of Permanent Way Inspector, Giddalur in Guntakal division.

3. 18 Project Construction Casual labourers of Guntakal division who are referred to as against sl. Nos. 159, 206, 215 to 230 and 232 of R3's order dated 26-11-91 were absorbed as regular gangmen/Khalasis in the seniority unit of Permanent Way Inspector, Giddalur. This OA was filed praying for declaration that the action of the Respondents in posting these above referred 18 Project Construction Casual labourers as regular gangmen/Khalasis in Giddalur section is unreasonable, illegal, arbitrary and violative of articles 14 & 16 of the Constitution of India and for a further direction to the Respondents to consider the applicants for absorption against the existing vacancies in their parent seniority unit of Giddalur section.

3. It is stated for the Respondents that from 10-11-83, 1/3rd vacancies arising in Class.IV in the open line have to be set apart for absorption of the casual labourers in the construction organisation which are in the territorial jurisdiction of the concerned division. Further case of the

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applicant is that on assessment it has become necessary to set apart 18 vacancies in Class. IV in Giddalur section for absorption of casual labourers working in the construction organisation and in pursuance of the panel sent by R2 during August, 1991, the casual labourers as per the said panel were absorbed in the 18 vacancies set apart for absorption of the casual labourers in the construction organisation. The applicant ~~has~~ ^{has} not filed any rejoinder to challenge the pleas of the above Respondents which are referred to in their reply statement.

4. Hence it cannot be stated that from 10-11-83, the casual labourers in the open line are entitled for 2/3rd vacancies in Class IV cadre while Casual labourers in the Construction Projects within the jurisdiction of the relevant division have to be absorbed in the 1/3rd vacancies in the Class IV Grade arising in the division. These applicants who are engaged as casual labourers in the open line have to be considered for the 2/3rd vacancies in the Class IV Grade and they cannot claim absorption in the 1/3rd quota of vacancies set apart for casual labourers in the Construction organisation. As the 18 casual labourers referred to in the relief portion of the OA are only from construction organisation, ~~and~~ that they were absorbed in the vacancies set apart for them, ^{and} the applicants have no locus standi to challenge the absorption ~~or~~ posting of the casual labourers referred to at sl. Nos. 159, 206, 215 to 230 and 232 in the impugned order dated 26-11-91 (vide annexure II).

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5. There is no need to refer to the other pleadings for the applicants in the OA as they have no bearing for consideration in regard to the relief claimed in this OA and hence it is not necessary to discuss about the same for consideration of this OA.

6. In the result, the OA merits no consideration accordingly and it is dismissed./

transcr
(A.B. GORTHI)
Member (Admn.)

Neeladri
(V. NEELADRI RAO)
Vice-Chairman

Dated the 7th June, 1995
Open court dictation

Amol
Deputy Registrar (J)CC

NS

To

1. The General Manager, Union of India,
S.C.Rly, Railnilayam, Secunderabad A.P.
2. The Chief Administrative Officer (Construction)
S.C.Rly, Secunderabad. A.P.
3. The Senior Divisional Personnel Officer,
S.C.Rly, Guntakal, Anantapur Dist.A.P.
4. One copy to Mr. ~~J~~ Lakshminarayana, Advocate, CAT.Hyd.
5. One copy to Mr. N.R. Devraj, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

15/6/95
21/6/95

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEE LADRI RAO
VICE CHAIRMAN

A N D

A. B. Gor Khi
THE HON'BLE MR. R. RANGARAJAN: (M(ADMN))

DATED --- 7/6 --- 1995.

ORDER/JUDGMENT:

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

in

OA. No.

113/92

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

