

ANNEXURE - I

List of Paper in Original Application No.

113/92

Sl.No. of Papers	Date of Papers Or Date of filing.	Description Of Papers.
		Part - I
	7-6-95	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 /199 2

a) Applicant (s) S. Ramaiyan 8/12/80

Versus

b) Respondent (s) Mr G.M. Sedy, Secy to Govt
20/8

S l.No.	Part. I	Description of documents.	Page No.
5		Order sheet	1 to 3
		Original Application	4 to 22
		Material papers	23 to 34
		Order dated . 3-4-92	35 to 36
		Counter Aff	37 to 49
		Rep	

Affidavit .

Reply Affidavit .

Order dated.

7-6-95

50555

PART. II

Duplicate order sheet.

" Application

" Material papers

" Order date .

" Counter Affidavit

" Reply Affidavit

" Order date.

PART . III .

Vakalat ✓

Notice Papers ✓

Memo of Appearance..

18/7/95

①

DA-113/92

Date

Office Note

O R D E R

20/3/95

Post it on 28/3/95.

HARRN
2(A)

HAVH
2(A)

Boe
L

6-4-95

At the request of the
applicant's Counsel, adjourned
to 17-4-95.

HABA
mcb

HAVHD
mcb

5-6-95

Limit it for orders tomorrow.
Ce. 6-6-95

HABA
m(A)

HVNARS
VC

By order

7-6-95

DR(S)

Judgement pronounced in
the O A. The O A is dismissed.
NO costs. orders vide separate
sheet.

HABA
2(A)

HVNARS
VC

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 OA 183/92 for permission to file a single petition on behalf of all the 13 applicants. Heard both sides. OA is allowed.</p> <p style="text-align: right;">T. L. N. (Hicse) MO</p>
2-6-92	<p><u>Service.</u></p> <p>RLs. Ho 3 served - Before the Registrar for Directions -</p>	<p>Given after granting 6 weeks time for filing counter. The counter is not filed. Hence post the case in usual course.</p>
25-11-93.	<p>memo of App. & counter filed by Mr. NR Demas, Secy RLs on 25/11/93.</p> <p>Confidential</p>	<p style="text-align: right;">S. V. S. 6/92 Registrar</p>

GA 113192

(2)

Date	Office Note	Orders
23/5/94		<p>Adj to 1-6-94</p> <p>HABSA M(3)</p> <p>MCA</p>
21.9.94		<p>Boc</p> <p>adj to 28.9.94</p> <p>HABSA M(3)</p> <p>HABSA M(3)</p>
<u>24-2-95</u>		<p>At the request of the Counsel for applicant, adjourned to 7/3/95.</p> <p>HABSA M(3)</p> <p>HABSA M(3)</p>
<u>7.3.95</u>		<p>At the request on behalf of the applicant's Counsel, list it</p> <p>orig. 8.3.95</p> <p>HABSA M(3)</p> <p>HABSA M(3)</p>
8.3.95		<p>adj to 10.3.95</p> <p>HABSA M(3)</p> <p>HABSA M(3)</p>

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 style="text-align: right;">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 Giddalur Unit as Gangmen will be subject</p>

228/4

HYDERABAD BENCH

113

1992

Applicant (s)

Versus

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 style="text-align: right;">Jury (HCSR) H(S)</p>
<u>20/2/92</u>		<p>Adjourned to next week as requested by the learned Counsel for the applicant.</p> <p style="text-align: right;">Jury H. J. Jay H M S.</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 style="text-align: right;">T. C. N (HCSR) H(S)</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 style="text-align: right;">T. C. N (HCSR) (P.T.O.)</p>

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 113 OF 1992

Shri

Applicant(s)

Versus

G.M. Sealy. Feb 1900

2204

Respondent (s)

This Application has been submitted to the Tribunal by

Mr. 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 2/2

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?
9. Have the chronological details of representations made and the outcome of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal?
11. Are the application/duplicate copy/spare copies signed?
12. Are extra copies of the application with annexures filed.
 - (a) Identical with the original
 - (b) Defective
 - (c) Wanting in Annexures
 - No...../Page Nos.....?
 - d Distinctly Typed?
13. Have full size envelopes bearing full address of the Respondents been filed?
14. Are the given addresses, the registered addresses?
15. Do the names of the parties started in the copies, tally with those indicated in the application?
16. Are the translations certified to be true or supported by an affidavit affirming that they are true?
17. Are the facts for the case mentioned under item No. 6 of the application.
 - (a) Concise?
 - (b) Under Distinct heads?
 - (c) Numbered consecutively?
 - (d) Typed in double space on one side of the paper?
18. Have the particulars for interim order prayed for, stated with reasons?

may be taken
 ✓
 on

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

APPLICANT (S) S. Kumar & 12 Co.

RESPONDENT (S) 9 m. reply, Subordinate & 2 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 57 1992

CAUSE TITLE S. Ramaiah & 12 others

VERSUS

The G.O., Secy. Su'bad & 2 others

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

By a direction to the Respondents to consider the Applicants for absorption against the existing vacancies in their parent seniority unit.

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDITIONAL BENCH

Bench com

AT HYDERABAD.

O.A.No.

1137 OF 1992

Between:

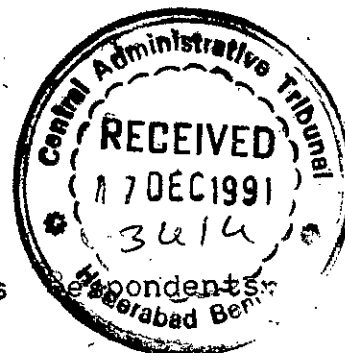
S. Ramaiah and 12 others

Applicants.

And

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

-and 2 others



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

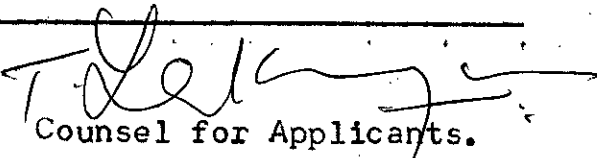
T. Lakshmi
Counsel for applicant.

*Received copy of
Substantive
30/12/91*

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

Date .	Event
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. 113 of 1992

BETWEEN . . .

1) S. Ramaiah

S/o Shri. Chinna 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. Balaiiah,

S/o Polaiiah,
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.

- 4) P.Kondaiiah,
aged about 35 years,
Casual Labour, S.C.Rly,
Office of the Permanent-way
Inspector, Giddalur,
Prakasam District, (A.P.)
- 5) P.Nagaiiah,
aged about 36 years,
S/o P.Nagaiiah,
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.Nagaiiah,
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.)

- 9) Ch.Venkoji,
aged about 35 years,
S/o [unclear],
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, ~~Giddalur~~
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) .. APPLICANTS

AND

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

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-- 4, --

2) The Chief Administrative
Officer (Construction),
South Central Railway,
Secundrabad (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, 4-2-2-1 & 5/54/11 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/PD/OL: ||

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

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

*x (a) 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/Sec 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

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. ~~At~~ 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 Temporary status.	REMARKS
1) S. Ramaiah	10-9-1977	19-12-1987	-

(12)

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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.Eliah	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.Chinha Devaiah	-do-	-do-	
8. P.Aseervadam	-do-	-do-	
9. Ch.Venkoji	-do-	-do-	
10. K.Prakasam	-do-	7-11-1988	
11. Ch.Sreenivasulu	10-11-77	7-11-1988	
12. P.Israil	10-9-1977	-do-	
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.

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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. Adinarayana
2. Kakarla Chennaiah
3. N. Eswaraiah
4. Manné Doraswamy
5. Ch. Srimannarayana
6. Shaik Khasim Vali
7. Y. Venkatanarayana
8. P. Devayaram.

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 CAOP/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.Subbaiah
3. Jutur Khassim
4. M.L.K.Narasimhulu
5. A.Venkataremudu
6. K.V.Y.Balasubbarayudu
7. Y.Thirupal
8. Garlapati Pullaiah
9. S.Samuel
10. Middle Thimmanna
11. Minne Maddileti
12. K.Madanna
13. K.Agasteen
14. Rangaswamy
15. P.Baludu
16. B.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

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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. 1) 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

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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 (Annex 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 (Annex 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.Chinnaiiah S/o. K.Desaiiah.	159
2. S.Sreeramulu S/o Chinna Sunkappa	206

19

<u>Name.</u>	<u>Srl.No. in the impugned order.</u>
3. N.Venkataramudu, S/o Venkatesulu.	215 254
4. N.Lasshmanna 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.Hanumanthu 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

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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 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

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--14--7111

Constitution of India.

7. MAIN RELIEF SOUGHT FOR: 1111

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-4-9) 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: 1111

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) 1

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. 1

not to relieve the above-mentioned 18 casual

project labourers for joining in Giddalur

Section, till final disposal of the ~~main~~ 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

(Annex 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.

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(21)

11. PARTICULARS OF POSTAL ORDER:-

- (a) Postal Order No. 8 04 1 81 384
- (b) For amount: Rs.50/-
- (c) In favour of: The Registrar,
Central Administrative
Tribunal, Hyderabad
Bench, at Hyderabad.

12. DETAILS OF INDEX:- U.O./B.C./D.D./Removed

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

13. LIST OF ENCLOSURES:-

- (a) Postal Order for Rs.50/-
- (b) Vakalat.
- (c) Covers and pad
- (d) Material papers as per the Index.
- (e) Chronological statement of events.

-17-
VERIFICATION.

I, S. RAMAIAH, Son of Shri.CHINNA
VENKATASUBBAIAH, 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, X
 X
dt: 8-12-1991 X

S. Ramaiah
APPLICANT.

T. Lakshmi
COUNSEL FOR THE APPLICANT.

To
The Registrar
Central Adm. Tribunal
Hyderabad.

(23) (1)

GIDDALUR, I.I.

Dated: 25.3-1991.

From:

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

To :

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

Respected Sir, I

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

--

I humbly submit to your kindness the following
few lines for your kind consideration and favourable
orders. I submit this representation on my behalf as also
on behalf of 12 other co-Casual Labourers by name S/Shri:
(1) A. Balajiah S/o Chajiah (2) A. Eliah S/o Abraham
(3) P. Kondajiah S/o ; (4) P. Nagaiah S/o P. Nagaiah
(5) B. Thirupal S/o B. Nagaiah (6) P. Chinna Devajiah S/o I
P. Pedda Venkataiah (7) P. Aseervadam S/o P. Isaack
(8) Ch. Venkoji S/o Ch. Venkoji (9) K. Prakasam S/o K. John
(10) Ch. Srinivasulu S/o Venkata (11) P. Israil S/o I
P. Musajiah (12) L. Prabhudass S/o L. Isaac , as they have
~~xxxxxxPrabhudassxxSxxixxx~~ authorised me to do so since
the problem faced by all of us is ~~identical~~ identical.

2. Myself and other persons mentioned above are II
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. ~~Sxxxxxx~~2

3. As you are aware, for casual labourers, the seniority unit is that of the PWI. The existing casual labourers/APS ELR 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 Chennaiah
- (3) N. Eswaraiah (4) Manne Doraswamy
- (5) Ch. Srimannarayana (6) K. Khassim Vali
- (7) Y. Venkatanarayana (8) P. Devayaram

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. Balaiiah, 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.

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

- (1) P. Subba Rayudu (2) Y. Subbaiah (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 Thimhanna (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 ~~the exp~~ 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 Gangmen 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 redressal of our grievances.

Thanking you, sir,

Yours obediently

(Sd) / / x / x

(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.

O.O.No.166/Engr/91

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

Ref:- CAOR/SC Lr.No.No.P1Con/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 Gangman /Khalasi inscale Rs.775-1025(RSR)Rs.750-940 (RSRP) to the station mentioned against them, against 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.Balanna	B.Sunkanna	IOW/GTL
6.	O.Bhagavanta,	Obaiah	IOW/GTL
7.	S.Narayana	Narasappa	PWI/BC/GTL
8.	B.Hanumanthu	Gundanna	IOW/GTL
9.	V.Venkataramaiah,	V.Lakshmaiah	IOW/GTL
10.	G.Papanna,	Hanumanthu	PWT/BAY
11.	K.Anjaneyulu	Sunkappa	PWI/GY
12.	Sungareddy	Ram Reddy	PWI/BC/GTL
13.	Hussain Peeran	B.Fakruddin	-do-
14.	O.Lakshmana	Obulapathy	-do-
15.	P.Gurappa	J.Sunkanna	-do-
16.	P.Muni Chandraiah		-do-
17.	J.S.Prasad	Jayachandra	PWI/MG/ATP
18.	P.Sambasiva Reddy	Sehsa Reddy	IOW/TPTY
19.	M.Yerranna,	Lalappa	PWI/BC/GTL
20.	Chinnanettikal,	Chinna Anjaneyulu	PWI/GY
21.	N.Chengai,	Guruvaiah	PWI/MG/GTL
22.	K.Anjaneya,	K.Venkateshu	PW/NRE
23.	K.Gopal,	K.Sivanna	PWI/MG/GTL
24.	S.Ramakrishna,	S.Sreeramulu	-do-
25.	Maruthi,	Seetaram	PWI/RC
26.	R.Onnur Sab,	Masul Saheb	PWI/MG/GTL
27.	K.Nettikallu,	Balanna	PWI/KDP
28.	B.Sreeramulu,	Ramanna	PWI/MG/GTL
29.	B.Pakirappa,	Boyanna	PWI/HX
30.	S.Ramadas,	Sivanna	PWI/MG/GTL
31.	Kizarkhan,	Mahabobkhan	PWI/MG/ATP
32.	D.Rangai,	D.Ramaswamy	PWI/GY
33.	D.Subramanyam,	Subbaih	PWI/PAK
34.	L.Penchalaiah,	L.Narasai	PWI/MG/GTL
35.	K.Chandran,	Chengai	PWI/RU

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36. R.Munnaiah, narappa	PWI/MG/GTL
37. B.Lakshmana, Doddanna	PWI/MG/ATP
38. B.Nagappa, Ramaswamy	PWI/MG/GTL
39. N.Venkatesulu, Narasappa	CBRI/GTL
40. J.Ramudu, Nanumappa	PWI/MG/ATP
41. G.Polaiah, Penchalai	IOW/GTL
42. S.Sunkanna, Nettikallu	CBRI/GTL
43. E.Chinnaiah, Rosaiah	PWI/KHT
44. J. Annaji Rao, J. Surayanarayana Rao	PWI/GY
45. A.Siva Reddy, Sreba Reddy	-do-
46. S.Subbala, S. Gangiah	PWI/NRE
47. L.Penchalaiah, Penchalai	IOW/HX
48. K.Vagarama, C. Anjaneya	PWI/GY
49. Kamal Saheb, Babul	-do-
50. N.Venkararamana, Ganganna	-do-
51. B.Rangalah, Peddanna	-do-
52. N.Venkarai, Siddai	-do-
53. U.Nararaj, U.Nagai	PWI/BG/ATP
54. v.Krishna, Ventataswamy	PWI/GY
55. M.Lalasab, M.Masthan	PWI/PAK
56. A.suresh kumar A.Ellaiah	PWI/GY
57. K.Neelappa, Hanumanthu	PWI/GY
58. S.Cunnaiah Subbala	PWI/BAY
59. Dasthagiri, P.Hussain	PWI/MG/ATP
60. Abdul Rahim, Mahaboob Saheb	PWI/RC
61. T;Desai, Chinnaappa	PWI/PAK
62. Seenai, Chinna Lingappa	PWI/RC
63. K.Chouse Mohamedeen, Boluddin	PWI/MG/GTL
64. R.Chan Drasekharen, Lakshmaiah	PWI/RC
65. K.Ubeth, Fazullullah	-do-
66. Narayana, Anjineya	-do-
67. M.Obulapathy, Manthanappa	-do-
68. N.Ajineyulu, M.Thimmappa	-do-
69. Pala Chengala, Gangai	IOW/RC
70. Dalavai Sunkappa, Linganna	PWI/MG/GTL
71. N.Krishnaiah, Penchalai	IOW/RC
72. B.Ajineyulu, B.Narayana	PWI/BAY
73. A.Bha, Akbar	PWI/BG/GTL
74. C.H.Ramakrishna, C.H.Girumoorthy	PWI/MG/ATP
75. S.Peddanna, Sanjappa	PWI/KDP
76. L.Ramanjulu, Laxanna	PWI/BG/ATP
77. A.Ramulu, Obai	-do-
78. N.Sunkanna, Nettigallu	-do-
79. U.Chengalarayudu, Venkatarajai	-do-
80. B.Ramanjaneyulu, B.Ramanna	-do-
81. Lakshmana, 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, Ramalah	-do-
88.	Basanna, Basappa	-do-
89.	C.Obulesu, Obulesu	-do-
90.	Mallikarjuna, K.Somanna	-do-
91.	K.Thippanna, Onnurappa	-do-
92.	S.Obulesu, Sunkanna	-do-
93.	H.Anjaneya, Hasenappa	-do-
94.	C.Hanumanthu, Chinna Venkanna	-do-
95.	K.Narayanawamy, K.Kadirappa	PWI/MG/ATP
96.	R.Peralappa, Ranganna	PWI/GY
97.	B.Adinarayana, B.Karayana	PWI/DNC
98.	J.Kollanna, Malliaba	-do-
99.	Giranna, Komanna	-do-
100.	S.Narasimha Kosaiah	-do-
101.	O.Jayaram, Obulesu	-do-
102.	G.Venkateramudu, Pullappa	-do-
103.	P.Nanthanaiah, Corukondappa	-do-
104.	N.Damodar, Chinnappa	PWI/MG/CIL
105.	Anjaneyulu, Anjappa	ICW/PTL
106.	N.Obulesu, Narayana	PWI DRC.
107.	B.Sunkappa, B.Sunkappa	PWI/LRC.
108.	Pedda Veeranna, B.C.Ramanna	-do-
109.	N.Kalaiah, N.Siddaiah	-do-
110.	S.Mohammed, Lal Saheb	PWI/KDP.
111.	K.Fakruddin, Khaza	-do-
112.	B.Pheemalingappa, B.Thippanna	-do-
113.	B.Maddileti, T.Somanna	-do-
114.	T.Kambasiri, Thimmanna	-do-
115.	B.Adi Reddy, Chalapathi Reddy	-do-
116.	K.Eswaraiah, Chinnappa	-do-
117.	Venkataramudu, Thimmappa	-do-
118.	G.Anjaneyulu, G.Lallappa	-do-
119.	G.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/KRP
123.	V.Anjaneyulu, Ven ateswarlu	PWI/ PT/EG.
124.	C.Polaiah, Nagaiab	-do-
125.	Mahaboob Peeran, Saik Saheb	-do-
126.	K.Gangaiah, Chengaiah	-do-
127.	G.Peddanna, Obulesu	-do-
128.	S.Ramanjaneyulu, Lallappa	PWI KRY.
129.	G.Kondalah, Pratalaiah	PWI/EG/HPI.
130.	G.Laxmaiah, Thimmappa	-do-
131.	A.Laxman, Anjanaiah	-do-
132.	M.C.Obulesu, Dodappa	-do-
133.	P.Veerupakshi, Chinna Kallaiah	ICW/GY.
134.	B.Pandu, B.Ranganna	ICW/PTL.
135.	K.Bapthunatha Charl, W.Doraswamyachari	PWI/EG/HPT.

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136.	N.Venkataramana, N.Narasinga Rao	PWI/BC/ITT
137.	P.Narayana Reddy, Chandra Reddy	IOW/CTL
138.	Naganna, Ranganna	PWI/HX
139.	D.Venkatesulu, D.Sunkanna	-do-
140.	K.Sreeramulu, Gangaiah	PWI/NRE
141.	M.B.Lallappa, Narasanna	PWI/HX
142.	M.Krishnaiah, Venkataiah	-do-
143.	A.Balamuni 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.	Phool Singh, S.Chavan	PWI/HX
151.	Devendrappe, Chinna Ramudu	-do-
152.	Y.Sreenivasan, Yellappa	-do-
153.	P.Naganna, Chinnappa	-do-
154.	K.Narayana, Charu	-do-
155.	Venkatesulu, Sunkanna	-do-
156.	Shaik Sattor, Shaik Hussain Saheb	PWI/NRE
157.	Bavaiah, Nalleppa	-do-
158.	E.A.Zavier, Anthony	PWI/PAK
159.	K.Chinnaiah, K.Dessaiah	PWI/CID
160.	Y.Siva Prasad, Y.Subrahmanyam	PWI/HX
161.	P.Ramanjanebula, P.Pullanna	PWI/HX
162.	Khaje Hussain, Rahimthumaiiah	-do-
163.	T.Fakkir Mohiddin, Fakruddin	PWI/PAK
164.	A.Abdul Jaffar, Abdul Razab	PWI/HX
165.	N.Ramanjaneyulu, Nettikallu	PWI/KRY
166.	P.Hanumanna, Pullanna	XXXX PWI/NRE
167.	P.Adinarayana, O.Pullanna	-do-
168.	B.Srinivasulu, P.Lalappa	-do-
169.	N.Subrahmanyam, Subbaiah	-do-
170.	K.Narayudu, Pushpamani	PWI/HX
171.	D.Onnur Saheb, Saibanna	PWI/PAK
172.	K.Narasimhulu, K.Cbaiah	PWI/PAK
173.	B.Kondanna, Ramudu	IOW/CY
174.	P.Narasinga Rao, P.Narasaiah	PWI/KNT
175.	L.Anantham, Linanna	-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 imanthu, c Hanumanna	PWI/MPL
182.	Smt.U.Bhyshama, V eraswamy	-do-
183.	C.Ranganna, Peddanna	PWI/MPL
184.	Shaik Hussain Peeran, Salim Peerana	-do-
185.	J.Pariyanna, John	-do-

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186. M. Sunkanna, Masthan	PWI/MPL
187. K.C. Vinkararamanna, Thomalleppa	-do-
188. S. Noor Ahmed, Shaik Saheb	-do-
189. A. Ramanjanyulu, Anjaneya	-do-
190. N. Beerappa, Mangappa	PWI/KRY
191. M. Obulu, Obalaiah	-do-
192. M. Linganna, Linganna	-do-
193. Ranganna, Hanumanthu	-do-
194. L. Chidalaiah, Lalappa	-do-
195. S. Ramachandra, Munappa	-do-
196. Nagaraj, Ranganna	PWI/CTO
197. Chinna Lalsahab, Lalsahab	-do-
198. K. Raja Gopal naidu, Subbarayudu	-do-
199. P. Subbaiah, Parabhiramiah	-do-
200. D. Munuswamy, D. Govindudu	-do-
201. D. Hanumanna, Sunkappa	-do-
202. Y. Ramachandra, Y. Narayana	-do-
203. D. Shanthakumari, Mahalaiah	-do-
204. Bodappa, Ujjanna	IOW/PAK
205. N. Bhaskar, T. V. Narasalaiah	PWI/NDL(p)
206. S. Sreeramulu, Chinna sunkappa	PWI/EDL(p)
207. Obboya Sunkanna, Thimmappa	PWI/NDL(P)
208. T. S. Raja, T. S. Mani	-do-
209. Nagappa, Ramanna	-do-
210. G. Ramalaiah, Ramalingappa	-do-NDL(G)
211. K. Jaganathan, K. S. Shadri	-do-
212. K. Anjaneyulu, Ramappa	-do-
213. K. Mallanna, Mallappa	-do-
214. P. Narayanaswamy, Pakirappa	-do-
215. N. Venkataramudu, Venkatesulu	PWI/GID
216. N. Lashmanna, Nettigallu	-do-
217. T. Krishiah, T. Kasappa	PWI/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. Nagabhushana, Narayana	-do-
223. Jaffer Khan, Mehabab Khan	-do-
224. D. Hanumanthu, Ramulu	-do-
225. V. Hanumanthu, Sanjeeva//a	-do-
226. D. Lakshminarayana, Narayanappa	-do-
227. Mohan Reddy, Pulla reddy	-do-
228. P. Srinivasa Rao, Seshagiri Rao	-do-
229. M. Obulapathim Onnurappa	-do-
230. M. Chenchuramaiah, Pothaiah	-do-
231. Doraiswamy, Naidu Chinappa Naidu	IOW/PAK A
232. Narasimhulu, Ganganna	PWI/GID
233. Smt. M. B. Narayanamma, Govindappa	PWI/NRE
234. J. Govindarajulu, D. K. Jayachandrea	IOW/RU
235. P. Munikrishnaiah, Ramachandraiah	-do-

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236. K.Narayanaswamy, Narayanna
237. U.Pullaiiah, 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. Chennaiiah)
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 Gangnen /Khalasi Category in scale Rs. 735-1025/- Rs. 750-940 (RSRP).

c/- Employees, They will repost from 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 necy. action.

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

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

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

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

For Sr. Divl Personnel Officer.

GUNTAKAL.

(22) (10)

SERIAL CIRCULAR NO.64 of 1987 - CIRCULAR

NO. 11/79/CL/2 DATED 27-7-1981.

(extract)

SUB:- Absorption of Casual Labour working under Projects.---

In terms of instructions contained in Board's letter No.E^(U)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:-

1) 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.Is are only screened and absorbed.

x x x x x x

x x x

---##---

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, 33
HYDERABAD BENCH, AT HYDERABAD.

O.A. No. of 1992

Between

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.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.

Balaiah
(A.Balaiah)

Applicant No.2

A. Elia
(A.Alia)

Applicant No.3

Contd...2.

(24)

P. కండాiah

(P.Kondaiah)

Applicant No.4

P. నాగిiah

(P.Nagaiah)

Applicant No.5

బి. తిరుపాల

(B.Thirupal)

Applicant No.6

P. చిన్న దేవయ్య

(P.Chinna Devaiah)

Applicant No.7

P. ఆసిరవాడయ్య

(P.Aseervadam)

Applicant No.8

C. H. ఎంకొజి

(Ch.Venkoji.)

Applicant No.9

K. ప్రకాశం

(K.Prakasam.)

Applicant No.10

C. H. శ్రీనివాసులు

(Ch.Srinivasulu)

Applicant No.11

P. ఇశ్రాయీలు

(P.Israil.)

Applicant No.12

L. Prabhudas

(L.Prabhudas.)

Applicant No.13

Central Administrative Tribunal
HYDERABAD BENCH

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

Date: 30-12-81.

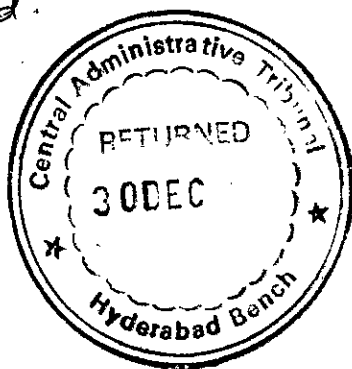
O.A. Regd. No. 3414/81.

To
Mr. T. Lakshminarayana,
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.

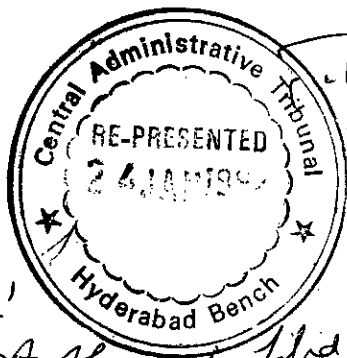
1. Service is to be made on the Dept.
2. All Applicants should sign on the OA or authorisation of the other Applicants should be filed.
3. A Petition U/r 4 (5)(2) seeking permission of the Tribunal to file single OA should be filed.



Re presented.

objection 1 & 2 & 3 carried with

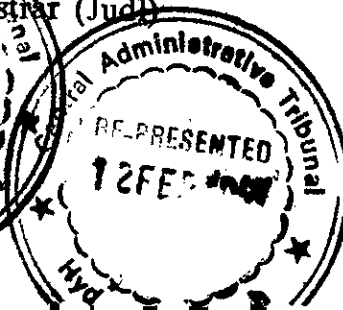
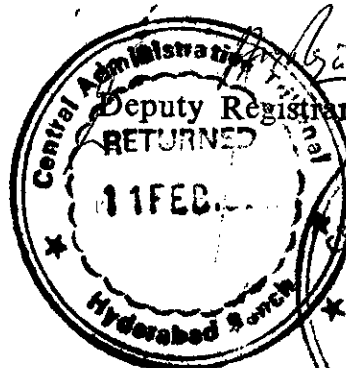
10.



Notd. - OASn
3414/81

2 more sets of OA should be filed

Ambya
28/1/82
L D R C



34

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

1. 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 their 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 out come 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.
5. One copy to Sri. N.R. ^{Devara} Devaraj, SC for Railways, CAT, Hyd.
6. One spare copy.

Rsm/-

185

3/4/92
TYPED BY

O.A. 113/92
COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V.G.

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

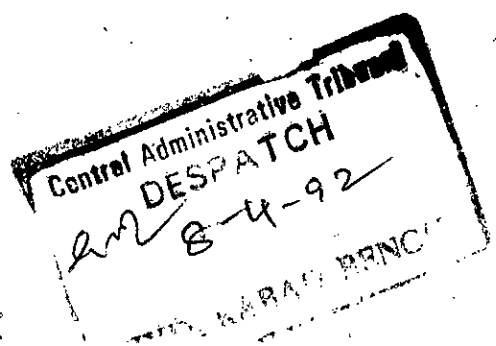
Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.



(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:::

AT HYDERABAD

O.A. No. 113 OF 1992

Between

Sri Ramaiah & 12 others

and

V.O.I. Rep. by the
General Manager
South Central Railway
Secunderabad. and 2 ss

App.

Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS

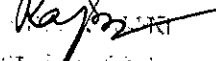
I, K. Thiagarajan, s/o V. Krishnamurthy, ^{Swamy} aged about 40 years occupation Government Service do hereby affirm and state as follows:

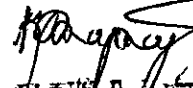
1. I am the Senior Divisional Personnel Officer and Respondent No. 3 and as such I am fully acquainted with all facts of the case. I am filing this Counter Affidavit on behalf of all the respondents herein as I have been authorised to do so. The material averments in the O.A. are denied save those that 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 A.P. 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 divisions. 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


ASST. DIVISIONAL OFFICER
S. C. Railway/Guntakal


S. D. U. I.

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.

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 (AF Scales) of Pay (temporary status) on completion of 120 days continuous services. In terms of the above said letter dated 23-4-57, 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.

Attestor

Sr. DPO

39

Sl. No.	Name (\$/Sri)	Date of birth	Date of initial engagement	Date of temporary status granted
15	S. Ramaiah	1-6-52	10-9-77	19-12-87
22	A. Balaiiah	4-8-55	10-9-77	19-12-87
32	A. Elaiiah	15-7-58	10-9-79	19-12-87
42	P. Kondalaih	10-1-59	10-9-77	19-12-87
52	P. Nagaiah	12-6-59	19-9-77	19-12-87
62	B. Thirupal	10-4-59	19-9-77	28-3-88
72	P. Chinna Deveiah	15-6-59	19-9-77	28-3-88
82	P. Aseervadam	1-2-54	19-9-77	28-3-88
92	C. H. Venkoji	1-7-57	20-9-77	28-3-88
102	K. Prakasam	15-7-58	20-9-77	7-11-88
112	C. H. Srinivasulu	1-7-60	11-11-77	7-11-88
122	P. Israil	15-6-60	19-9-77	7-11-88
132	C. Prabhudoss	2-4-54	10-5-72	7-11-88

111) Earlier there was a Permanent Way Inspector/CTR unit existing in Assistant Engineer/Nandyal sub-division; while closing the said unit in November 1988, the Casual Labour (Total No. 153) 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

Rayan

K. Prasad
Sr. DPO, GFL

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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. 775-1025 (RSRP) for the period ending 31-12-88.

In so far as 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 30-9-87.

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

6. C. Railway/Guntakal

Attestor

Rajon

आस्थाक कमिटर/अधिकारी

दक्षिण मध्य रेलवे गंतकल

Asst. Personnel Officer,

6. C. Railway/Guntakal

5

Signature
Sr. DPO/GIL

(L11)

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 brone 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 net 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

Raj

Asst. Secy. to Govt.
S. C. Railway/Guntakal

6

K. Prasad

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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 exce

Ray

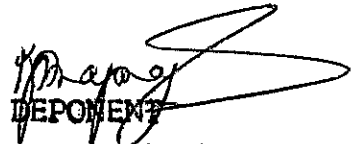
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म. का. न. ल. क. ल.
DPO

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43

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.


DEPONENT
का. वि. न. तु. क. ल.
DPO/GTI

Solemnly and sincerely affirmed

this 4th day of Dec 1992

and he signed his name in my presence

Attestor



का. वि. न. तु. क. ल.
Asst. Personnel Officer
C. 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.

...

183
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) 11-77.CL/45 dated 8.6.81, copy circulated under this office Serial Circular No. 73/81 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 (CL) 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 deferring 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 ICW/PWI/BRI Inspectors can be filled by screening the Casual Labour available in the area under Open Line ICW/BRI/PWI etc.
- ii) 33.1/3% of vacancies in the particular unit under each Open Line ICW/BRI/PWI may be set apart for absorption by Casual Labour of Construction/Project Labour.

.....2.

Rafn
for Sr. DPO/GIL

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/FG/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. Hanawa
9.8.11
for Chief Admn. Officer/C/SC.

SOUTH CENTRAL RAILWAY.

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

No. P/Con/677/Screening/GTL

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 found 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/underaged.

This issues with the approval of competent authority.

Encl: As above.

B. Haranatha Rao

(B. HARANATHA RAO) 9/5/91
for Chief Admn. Officer/Con/CO.

..2..

Rajm
for Sr. DPO/GTL

Sl. No.	Name (S/Shri)	UTI/No.	
46.	ErraguntlaThimmaiah	48	(
47.	Abdul Bhasha	49	(
48.	Bukkapuram Nagabhushanam	50	(
49.	Y. Balamaddileti	51	(P.HI/DIC.
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.	Mukasi Pullaiah	59) P.HI/GID.
58.	M.N. Ratnam	60)
59.	Bandila Maddileti	61)
60.	Yerraguntla Lazer	62)
61.	Yerraguntla Pullaiah	63	(
62.	Gutipalli Balanna	64	(
63.	D. CH. 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	(P.HI/SR/NDL.
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. Esurathnamaiah	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.

Rajm
For Sr. DPO/Off.

127
SOUTH CENTRAL RAILWAY.

No. 12.

OFFICE ORDER No. 17/87.

466
Annexure - III
Office of the Asst. Engineer
Nandyal, dt. 11.5.1987.

The following APS/Monthly rated Khalasis are transferred and posted to work under the following PMIs, 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)
6.	Akumalla Jayanna	6)
7.	M. Satyamaiah	7)
8.	Yarraguntla Nadipi Iyyanna	9)
9.	Konapalli Maddaiah	10)
10.	Konnapuram Maddaiah	11)
11.	Abel Jayaraj	12	(
12.	Kaleel Ahmed	13	(
13.	E. Prasad	14	(
14.	E. Venkateswarlu	15	(
15.	Boya Thimmappa	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	(
24.	Y. Venkatanarayana	25	(
25.	N. Eswaraiah	26	(
26.	Md. Dasthagiri	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.	Bukkaram golla Naganna	43	(
42.	Devasahayam	44	(
43.	Anchikatla Naganna	45	(
44.	Vattvalla Maddileti	46	(
45.	MLK. Moulali	47	(

PMI/NDL(P)

PMI/NDL(G)

Raym
For Sr. DPO/IGT

Contd.2...

Sl. No.	Name (S/Shri)	PI No.
136.	P.Baludu	144
137.	Y.Thirupalu	5
138.	N.Subbarayudu	
139.	G.Prasad.	
140.	Pedda Kistaiah	14
141.	Alla Maddileti	149
142.	Manne Sundaram	130
143.	Angadati Sarjanna.	151
144.	Mokasi Venkataramudu	152.
145.	Yerukalapati Maddiah	153
146.	K.Ranga Reddy	154
147.	MLK. Maheboob	155
148.	Taluka Jeevaratham	156
149.	Taluka Maddaiah	157
150.	K.Maddaiah	158
151.	V.Thimaiah	159
152.	T.Naganna	16
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.	Ramarayulu	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

HWI/CIR/CRM.

BT/DSK/II/NDL

(Educated Khalesi
Working with DSK/II/
NDL vide Sr.DEN/MG/GTL
Lr.No.G/W.407/ELR of
21.3.86).

....5.

Rafn
For Sr. DPO/GTL

S1.	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.	Babusahab	100)
	97.	Y.Sekhar	101)
	98.	Rangaswamy	102)
	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 Subbaiah	120)
	116.	Kothapalli Macanna	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)
	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)

PWI/CTR/GID

PWO/CTR/CBM

....4.

Raym
 श्री वसुधाधर न. लकल
 For Sr. DFO/GTL

48

Sl. No.	Name (S/Shri)	LFI.No.	
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 Peeran.	201)
190.	Sk.Jayanulabdin	202)
191.	Sk.Masthanvali	203)
192.	Yerramala Yellaiah	116) ...W.C. case.
192.	M.Pandurangaiah	204)
193.	B.Babu Rao	205) ICW/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, Ghats, CTR/CBM, CTR/GTD, SW/NDL, DSK/NDL
ICW/NDL, FWI/DNC, FWI/GTD.
C// Sr.DPO/GTL, Sr.DAO/GTL, Sr.DEN/MG/GTL.
C/- Secy./SCRES/NDL, SCR MU/NDL.

...

Rafn
स्ति वम काधि न तक
for Sr. DPO/GTL

In the C.A.T.
Hyd Bench



OA 113/92

Counter Affidavit

Recd Copy
W. K. Srinivasan
T. Lakshminarasimhan
Advocate



25/1/93

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

143
South Central Railway

UB 216 Annexure - IV
Headquarters Office,
Personnel Branch,
Secunderabad.

No.P(E)407/De-casualisation/Engg. III Dated. 26-12-1989.

DRM/GTL.

Sub.-De-casualisation - Filling up of posts
under AEN/NDL sub-division.

Ref.- DO letter No.G/P/407/IV/De-casualisation
dt.7-12-1989 from Sr.DPO/GTL to SPO/EAHQ.

1. (a) The above subject was discussed on 27-12-'89 by CPO/Admn. 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 under PWIs, the open line including the ex-CTR labour are 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 IOWs to CTR labour under IOWs 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 tota including the allocation of IOW 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.

2. With the background mentioned at para 1 above, all the labour being charged to the Revenue, the 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 IOWs.

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.

Rajm
For Sr. DPO/GTL

ADP/E
B-1-90.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

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

ORIGINAL APPLICATION NO. 113/92 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: 2/6/95

Counter signed:

Court Officer/Section Officer.

pvm.



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. Azeervadam aged about 35 years,
S/o P. Issac, Casual labour
office of the Permanent way
Inspector, S.C. Rly, Giddalur,
Prakasam District, (A.P)

-/-....2

- (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.)

WA

(52)

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

J U D G E M E N T

No one is present for the applicant. 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 ^{working} of the casual labourers in the construction organisation which are in the territorial jurisdiction of the concerned division. Further case of the

(E3)

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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./

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

V. Neeladri Rao
(V. NEELADRI RAO)
Vice-Chairman

Dated the 7th June, 1995
Open court dictation

Arundhati
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. ~~Mr.~~ 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 July 2016

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

A N D

A. B. Goyal
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.

