

(28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 161/91

Date of Order: 11-9-95

Between:

B.Surya Chandra Rao.

.. Applicant

and

1. General Manager, S.C.Rly,
Railnilayam, Secunderabad.
2. Divisional Railway Manager, S.C.Rly,
Vijayawada Division, Vijayawada.
3. Divisional Engineer, Construction,
K.B.Vijayawada.

Respondents.

For the Applicant :- Mr. M.Lakshmana Murthy, Advocate.

For the Respondents: Mr. N.R.Devraj, SC for phys.
~~Sr./Adv. CCSC~~

CORAM:

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

THE HON'BLE MR. A.BANORTHY : MEMBER (ADMN)

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OA.161/92

Judgement

(As per Hon. Mr. A.B. Gorthi, Member (Admn.))

The relief claimed by the applicant in this OA is for a direction to the respondents to engage him as Casual labourer and to consider his case for grant of temporary status and regularisation.

2. The applicant was initially engaged as Daily rated casual labourer in PWI (construction) Bhadrachalam, on 2-11-1983 and after he worked continuously for 180 days was granted 1/30 rate of pay. Later he was transferred to Senior Divisional Engineer (Construction), Krishna Bridge. With effect from 31-7-1985 he worked at Krishna Bridge. On 14-8-1986 he remained absent without leave till 7-9-1986. He joined for duty on 8-9-1986, ^{but} he was taken on rolls afresh as Daily rated casual labourer. He fell sick from 10-6-1987 to 26-8-1989. Thereafter he approached the respondents with a private medical certificate and requested to be taken back on duty but he was not allowed to do so. On 30-3-1991 he was directed to undergo Vasectomy operation. He was granted six days special casual leave but even then he was not re-engaged as casual mazdoor.

3. The respondents, in ^{their} reply ~~affidavit~~, have not disputed the date ^{or} of the period for which the applicant had worked as Casual labourer under them. The respondents, however, ~~contend~~ that the applicant, on his own volition, stopped working as casual labour with effect from 10-6-1987 and that he even took a casual labour card ^{for} showing proof that he had worked as a casual labourer. As regards the

To

1. The General Manager, S.C.Rly,
Railnilayam, Secunderabad.
2. The Divisional Railway Manager, S.C.Rly,
Vijayawada Division, Vijayawada.
3. The Divisional Engineer, Construction,
K.B.Vijayawada.
4. One copy to Mr.M.Lakshmana Murthy, Advocate.
'Aditya' West Malkajgiri, Hanumanpet, Hyderabad-47. A.P.
5. One copy to Mr. N.R.Devraj, ~~SE. Secy~~ Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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applicant undergoing vasectomy operation on 30-3-1991, the respondents clarified that he did undergo such operation at a Family Welfare Camp conducted by the Railways. But the Railway Medical Officers did not know the fact that the applicant was then no longer in Railway service. Thereafter, the case of the applicant was considered by the respondents but it was decided not to re-engage him as casual labourer because of his long absence for a period of four years and because of the fact that such a long absence could not be condoned in accordance with the extant rules.

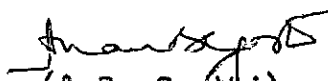
4. Heard learned counsel for both the parties.

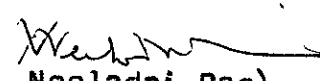
5. Taking into consideration the admitted facts of the case, we deem it just and fair to dispose of this OA with a direction to the Divisional Railway Manager, South Central Railway, Vijayawada, in the following terms :

i) As the applicant admittedly worked under the respondents from 2-11-1983 till 9-6-1987, R-2 may consider re-engaging the applicant in any construction unit under his control as a fresher, if there is requirement for engagement of fresh casual labourer.

ii) The applicant will not be entitled to claim condonation of break in service for the period from 10-6-1987 till the date of his re-engagement.

6. The OA is ordered accordingly. No costs. //


(A.B. Gorthi)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dated : September 11, 95
Dictated in Open Court


Registrar (C)cc

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

and

A. B. Gorthi

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

DATED:- 11 - 9 - 1995.

ORDER/JUDGMENT.

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

in

O.A.No.

161/92

T.A.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.

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