

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.139/92.

Date of Judgment 13-2-92

Pentiah Mysiah

.. Applicant

Vs.

1. Union of India,
Rep. by the
General Manager,
S.C.Rly.,
Secunderabad.

2. The Divl. Rly. Manager,
Secunderabad Division,
S.C.Rly.,
Secunderabad.

.. Respondents

Counsel for the Applicant : Shri V.Krishna Rao

Counsel for the Respondents : Shri N.R.Devaraj,
SC for Railways

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri T.Chandrasekhara Reddy : Member(J)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(A)].

This application has been filed by Shri Pentiah Mysiah under section 19 of the Administrative Tribunals Act, 1985 against the Union of India, Rep. by the General Manager, S.C.Rly., Secunderabad & another, seeking a direction to the respondents to confer on him temporary status as on 4.7.85 and also to regularise his services.

2. The applicant has been working with the Railways as Casual Labourer since 4.1.84 and despite his representation for conferring temporary status he has not been conferred the same. Hence this application.

of his.

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3. There is no counter affidavit in this case but the learned counsel for the respondents Shri N.R.Devaraj wanted only his arguments in the course of the hearing to be taken into account. It is his case that the engagement of the applicant is of a very casual and sporadic nature and the requirement of 120 days of continuous service for conferment of temporary status has not been attained by him in this case. As for regularisation, his case will be considered in due course depending upon the number of days he had served as Casual Labourer. [REDACTED]

4. We have examined the case and heard Shri V.Krishna Rao, learned counsel for the applicant and as stated earlier, Shri N.R.Devaraj, learned counsel for the respondents. The applicant has enclosed a copy of his record of service as Casual Labourer right from

January, 1984. We find that at no ~~points~~ stretch of time he has got more than 3 or 4 days at a stretch. [REDACTED]

[REDACTED] Hence, according to the rules he is not eligible for conferment of temporary status. As for regularisation, he will have to wait for his turn depending upon the number of days he will be putting in as Casual Labourer irrespective of the time span.

5. On an earlier occasion, the question of limitation was also raised. It is the allegation of the applicant that these breaks given to him are artificial and hence the cause of grievance is a continuous one. A break can be considered to be artificial and for the purpose of giving the break when it is done ~~on the verge of eligibility limit~~ just to deny the benefit to the affected person. For example,

(21)

if, as a service condition, 120 days of continuous service is required and if after 115th or 116th day he is given a break, such a case can be construed as artificial break. In this case, that question just does not arise. The case apart from lacking merits, is also hit by limitation. Hence, we find no scope to interfere and dismiss the case with no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member(A).

T.C.R

(T.Chandrasekhara Reddy)
Member(J).

Dated: 13th March, 1992.

525392
Deputy Registrar(J)

To

1. The General Manager, Union of India,
S.C.Railway, Secunderabad.
2. The Divisional Railway Manager,
Secunderabad Division, S.C.Rly Secunderabad.
3. One copy to Mr.V.Krishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
5. One spare copy.

pvm.

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TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY
~~✓~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V.C.

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

AND

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

AND

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

DATED: 13-3-1992

ORDER/JUDGMENT:

R.A/C.A/ M.A.N.

in

O.A.N. 139/92

T.A.No.

(W.P.No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No order as to costs.

