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IN THE CENTRAL ADMINISTRATIVE TRIBUNA: HYDERABAD BENCH:
AT HYDERABAD

O.A. NO. 1231/93

Date of Decision: 6.12.1996

BETWEEN:

P. Vasudev, G. Pattabhi, T. Ijjayya,
B. Parusuram, I. Suri, Ch. Suryanarayana,
Ch. Narasimhappadu, V. Ramamurthy,
N. Gavararaju, P. Apparao, B. Kumaraswamy
T. Sinkanna, and Appalaswamy

AND

1. Railway Board, represented by its Chairman, New Delhi
2. The General Manager, South Eastern Railway, Garden Reach, Calcutta-700 043.
3. Divisional Railway Manager, South Eastern Railway, Visakhapatnam-4.
4. Permanent Way Inspector, SE Rly., Nowpada/Asst. Engineer, S.E.Rly., Srikakulam Road, Srikakulam.

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Counsel for the Applicant: Mr. P.B. Vijaya Kumar

Counsel for the Respondents: Mr. V. Bheemanna

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CORAM:

THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

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JUDGEMENT

(Oral order per Hon'ble Sri R. Rangarajan: Member (Admn.)

Heard Mr. Patrudu for Pb. Vijaya Kumar. None for the respondents.

There are 13 applicants in this O.A. They submit that they worked as casual labourers prior to 1981 and their services were not retrenched for want of vacancy.

This OA is filed praying for a direction to the respondents to re-engage/absorb the applicants herein basing on Ex-casual labour register and the certificate issued by R-4 with all consequential and attendant benefits.

No reply has been filed by the respondents.

Dakshin Railway Karmachari Sangh filed a SLP in the Apex Court for re-engaging the casual labourers, discharged prior to 1.1.81. That civil appeal was disposed of directing the respondents to issue a notification calling for the Ex-casual labourers retrenched earlier to 1.1.81 and those who responded to the notification their cases should be considered in accordance with the law and their names entered in a subsidiary live register. The above direction of the Supreme Court is reported in AIR 1987 SC P.1153 (Dakshin Railway Karmachari Sangh Vs Union of India.)

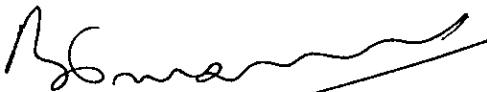
It is stated that the Railway have issued a notification giving the cut off date. From the OA it appears that the applicants have not responded to the notification. The applicants submit that they should be considered on the basis of the casual labour register maintained by R-4. But they cannot get any benefit on the basis of the record. If the

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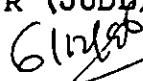
applicants prove to the satisfaction of the respondents that they have responded to the notification referred to above, the concerned authorities, ^{then that respondent} may consider their case, for inclusion in the subsidiary live register. If no convincing proof is brought to the notice of the respondents in regard to ~~represent~~ ^{their claim} ~~if they had submitted their representation~~ for inclusion in the subsidiary live register, within ^{represent} the cut off date then their case, ^{may be rejected.}

With the above observation the OA is disposed of.

No costs.



(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)


6/11/96



(R. RANGARAJAN)
MEMBER (ADMN.)


A.J. Regeswari/J

Date: 6TH DECEMBER 1996
Dictated in the open court

KSM

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Copy to:-

1. The Chairman, Railway Board, New Delhi.
2. The General Manager, South Eastern Railway, Garden Reach, Calcutta.
3. Divisional Railway Manager, South Eastern Railway, Visakhapatnam.
4. Divisional Railway Manager, South Eastern Railway, Visakhapatnam.
5. Permanent Way Inspector, S.E.Railway, Newpada/Asst. Engineer, S.E.Rly, Srikakulam road, Srikakulam.
6. One copy to Sri. P.B.Vijaya kumar, advocate, CAT, Hyd.
7. One copy to Sri. V.Bhimanna, Addl. GSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

9/5/93

1231/93

THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH HYDERABAD

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. SAI PARAMESHWAR:
M(J)

DATED:

6/12/93

ORDER/JUDGEMENT

R.J./C.P./M.A. NO.

O.A. NO.

1231/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकार बल
Central Administrative Tribunal
प्रेषण/DESPATCH

6 JAN 1993

हृदय शाह अधिकारी
HYDERABAD BENCH