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CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

C.A. No. 1514/93
T.A. NL.

DATE OF DECISION: 2-12-96

S. Prakasham

PETITIONER(S)

P.B. Vijayakumar

ADVOCATE FOR THE PETITIONER(S)

VERSUS
Union of India, rep. by GM, SE Rly.
Gardenreach, Calcutta-43 and 5 others

RESPONDENT (S)

N.R. Devaraj

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMN.)

THE HON'BLE MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Mr. R. Rangarajan, M(A)





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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1514/93

Dt. 2-12-96

S. Prakasham

: Applicant

versus

1. Union of India, rep. by
The General Manager,
SE Rly., Gardenreach
Calcutta 700043

2. Chief Personnel Officer
SE Rly., Garden Reach
Calcutta

3. Chief Engineer(Construction)
SE Rly, Calcutta

4. Chief Admn. Officer (C)
SE Rly., Bhubaneswar

5. Chief Project Manager(Construction)
SE Rly., Visakhapatnam

SE Rly, Visakhapatnam : Respondents

Counsel for the applicant : P.B. Vijaya Kumar

Counsel for the respondents : N.R. Devaraj
SC for Railways

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAIKARAMESHWAR, MEMBER (JUDL)



OA.1514/93

dt.2-12-96

Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.)

None for the applicant. Heard Sri N.R. Devaraj for respondents.

1. The applicant submits that he was a Casual Labourer of the construction organisation as on 1-4-1973 and in terms of a circular he was granted permanent status in the Project Construction Reserve (PCR) in Group-D post vide letter No.E.56/PCR/Pt.III Spl. dated 28-30/8/91 with effect from 1-4-1973. It is further submitted by the applicant that Casual employees similarly placed like him were granted a lumpsum of Rs.10,000 in Calcutta. It is also the case of the applicant herein that an understanding has been reached with the union to the effect that the applicant will be paid Rs.8,000/- as compensation on the basis that he was absorbed permanently in the PCR cadre with effect from 1-4-1973. But the respondents failed to honour the commitment and hence he has approached this Tribunal ~~with~~ praying for a direction to the respondents to pay 18% p.a. from the date of the decision of the administration i.e. 26-4-1989.

2. The respondents have made the following points in their counter :

Even as a casual labour he joined only on 6-5-1973. Though the applicant was asked to show proof that he was on rolls as on 1-4-1973, he failed to do so.

ii) No agreement was reached with any union to pay the applicant and similarly placed persons an amount of Rs.8000/-

at any time and it was only a request from the union for the payment and it was conceded to consider that and demand no decision has been taken in regard to the actual payment of Rs.8000/-.

iii) The applicant has not fulfilled the conditions as per the Annexure 'B' vide No.E/56/PCR/Bt.III/SP2 dt.28/30-8-91. Hence, he cannot demand any compensation.

iv) The case of the applicant is entirely different from that of the casual labourers at Calcutta. Chs of In the case of Calcutta, the records were not available and on that basis they agreed to pay the lump sum as the divided Tribunal at Calcutta had agreed for the payment of compensation. The case of the applicant herein cannot be compared with that of the applicants in Calcutta.

3. It is stated in the reply that the applicant was engaged on 6-5-1973 and not from 1-4-1973. This has not been controverted by a rejoinder. Hence, applicant cannot claim any relief from retrospective date i.e. 1-4-1973. Further, the applicant having joined on 6-5-73 could not have rendered three years or more service as on 1-4-1973 and that he would not be in turn for regularisation also with effect from 1-4-1973 as he joined later ~~or~~ to that date. This averment is not denied by the applicant by filing a proper rejoinder. Hence, on both the accounts, the applicant cannot get any relief.

4. In casual service it will be difficult to compare the cases of two casual labourers engaged at different locations.

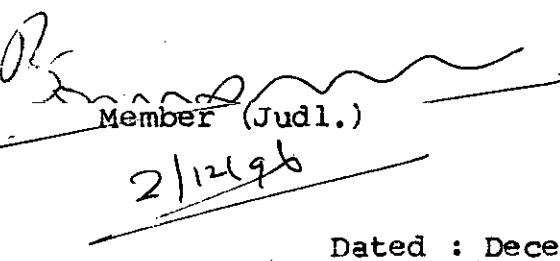
5. Respondents submit that the payment of lump sum of Rs. 8000/- due to non-availability of necessary records and on that basis the Tribunal gave a direction to pay them. Hence,

B

A

we are satisfied that the comparison as made above is not appropriate. The applicant has also not brought on record the circumstances which led him to come to the conclusion that his case is similar to that of the casual labourers at Calcutta. He should have filed an affidavit ~~rebutting~~ the averments made in this connection in the reply by cogently indicating how his case is similar to that of the applicants in Calcutta, but he has not filed any rejoinder. In that view we come to the conclusion that the cases of casual labours of Calcutta is not comparable to that of the applicants herein.

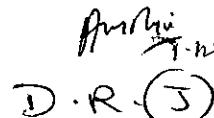
6. In view of what is stated above, we find no merit in this OA. Hence, the OA is dismissed. No costs.


Member (Judl.)

2/12/96


Member (Admn)

Dated : December 2, 96
Dictated in Open Court


D.R. (J)

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