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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1552/93

Between:

1. P.Adithata
2. A.Narayananpadu
3. P.Suryanarayana
4. A.Sanyasi
5. M.Sanyasi Rao
6. M.Satyanarayana
7. M.Satyam
8. M.Simhachalam
9. R.Satya Rao
10. V.Sanyasayya
11. R.Sannibabu
12. G.Satyam

Date of Order: 13.12.96.

13. E.Appanna
14. E.Pydhallu
15. E.Appalamarasiah
16. E.Rama Rao
17. MM.Ramulu
18. S.Appalanaidu
19. P.Suryanarayana
20. E.Chandraiah
21. Y.Appala Swamy
22. A.Suryanarayana

...Applicants:

And

1. The Chairman, Railway Board,
New Delhi.
2. The General Manager, South Eastern Railway,
Calcutta, Garden Reach
3. The Divisional Railway Manager, South Eastern Railway,
Waltair, Visakhapatnam.
4. The Assistant Engineer, South Eastern Railway,
Vizianagaram.

...Respondents:

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

Counsel for the Respondents : Mr.N.R.Devraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI R2RANGARAJAN : MEMBER (A)

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

contd...

O.A.No.1552/93

Date of Order: 13.12.96

JUDGEMENT

(Oral order as per Hon'ble Shri R.Kangarajan, Member (Admn.))

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Heard Mr.P.B.Vijay Kumar, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

..... applicants in this OA. They submit that they worked as casual labourers prior to 1981 and their services were retrenched for want of vacancies.

3. This OA is filed praying for a direction to the respondents to reengage/absorb them basing on the ex-casual labourer register No.QE/12, dt.5.6.90 of the Bridge Inspector, S.E. Railway, Vizianagaram with all consequential and attendant benefits.

4. No reply has been filed by the respondents.

5. Both the sides agreed that this OA is similar to OA.1231/93 and hence it may be disposed of on the same lines.

6. Dakshin Railway Karmachari Sangh filed a SLP in the Apex Court for re-engaging the casual labourers, discharged prior to 1.1.81. The 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.)

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

8. With the above observations the OA is disposed of.
No costs.

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(B.S. JAI PARAMESHWAR)

Member (Judl.)

(R.RANGARAJAN)
Member (Admn.)

Dated: 13th December, 1996
(Dictated in Open Court)

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*Auth'd
3-1-97*
D. R. (J)