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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.No.331/93

Date of Order:4.11.93

R.Bhaskar Rao

.. Applicant

Vs.

- 1.Divisional Engineer(BG), SC Rly.
(DOUBLING)-I,
Kazipet.
- 2.Senior Divisional Engineer,SC Rly.
(Coordinator),
Sanchalan Bhavan,
SECUNDERABAD.
- 3.Senior Divisional Personal
Officer(BG),SC Rly.
Sanchalan Bhavan;
SECUNDERABAD.
- 4.Divisional Railway Manager(BG),
Sanchalan Bhavan,
South Central Railway,
SECUNDERABAD.

.. Respondents

Counsel for the ..

Mr.N.Krishna Rao

Counsel for the Respondents :

Mr.N.V.Ramana
Addl:CGSC

CORAM:

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

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

7/11/93
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O.A.NO.331/93

JUDGMENT

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE))

The applicant was engaged as ^{a project} casual labourer in South Central Railway and worked without break at various places from 3.5.1978 to 22.3.1984. The applicant alleges that he had fallen sick and underwent medical treatment for ^a long period. He had brought this fact to the notice of the 1st respondent. However, the 1st respondent had retrenched him from service without giving him any notice. He had represented to the 1st respondent for reengagement, and also for regularisation of his services. The 1st respondent directed him to the 2nd respondent for necessary action as the 2nd respondent was the authority for casual labourer. However, it is stated that the 2nd respondent did not take any action on his representation presumably due to the fact that the applicant's name does not figure in the list of casual labourers. In not reengaging and regularising his services, he filed this application with the prayer to direct the respondents to re-engage and regularise him in service from 23.3.1984 with all consequential benefits.

2. The respondents in their counter affidavit admit that he had worked as casual labourer from 3.5.1978 to 22.3.84. The period was with breaks. But the periods of breaks are not indicated in the counter affidavit. Further, they state that he was absent unauthorisedly and hence he is not entitled for reengagement. They relied on the circular M. O. 407 - 1984.

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dated 3.11.1976 for not reengaging him. The relevant para of the circular reads as below:-

"2.1. Any labourer awarded A.P. scales of pay absenting himself for more than 3 days unauthorisedly or 15 days authorisedly shall forfeit his temporary status/monthly scales of pay awarded to him and on reporting for duty back, shall be put back on daily rates of pay till he qualifies himself for the temporary status again. He will continue to retain his seniority for purposes of retrenchment on his first date of engagement."

3. They further state that only those casual labour who have worked continuously ~~xxx~~ were entitled to temporary status. As the applicant was not in continuous casual service from 22.3.1984, he is not entitled for temporary status in pursuance of the Railway Board's letter No.E(NG)II/84/CL/41, ~~dated 1.12.1984.~~ They further submit that as per the Railway Board's letter No.E(NG)II-84/CL/43, dated 7.6.1984, such of those casual labour discharged from service on completion of the work or for want of further productive works and has not worked in the Railways in the preceding two complete calendar years, shall not be kept in the live register and their names should be struck off there from. Their main contention is that as the applicant has left service on his own accord without intimation, he ~~xxxx~~ lost opportunity for reengagement on this distant date.

4. We have heard the learned counsel for the respondents, Shri N.Krishna Rao and the learned Additional Standing Counsel for the respondents, Shri N.V.Ramana and perused the records.

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5. As per the Railway Board's letter dated 7.6.1984, such of those casual labourers discharged from the service on completion of work for want of further productive work and have no work in the Railways in the preceding two calendar years, shall not be kept in the live register and ^{their names} should be struck off there from. Admittedly, the applicant was in service from 3.5.1978 to 22.3.1984. In view of this, he has right to get his name registered in the live register as per the Board's letter dated 7.6.1984. Further, the Railway Board's letter No.E(NG)II/84/CL/41, dated 11.9.1986 stipulates that the project casual labourers who have been in employment at any time from 1.1.1981 onwards should be kept in the seniority list for any subsequent engagement/re-engagement.

6. The relevant portion of the said circular dated 11.9.1986 reads as under:-

labour engaged by project organisations will be recast by the Zonal/Construction Railway Administrations in the aforesaid manner as on the 1st April, 1985 to been in employment at any time from 1.1.1981, onwards. The lists so prepared will be used for any subsequent engagement/reengagement/discharge of project casual labour."

7. Thus, the above said instructions dated 11.9.1986 of the Railway Board give the applicant right to be kept in the seniority list of the project casual labour for re-

22.3.1984.

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8. In view of what is stated above, we direct the 2nd respondent to register the name, of the applicant in the live register of the project casual labour at the appropriate seniority position in accordance with the Railway Board's letters dated 11.9.1986 and 7.6.1984. We further direct the 2nd respondent to re-engage him as casual labour in his turn if there is work and also regularise his services in his turn. On re-engagement, he is entitled for daily wages as per Para 3.1 of the Circular dated 3.11.1976 and he will site period after re-engagement.

9. The OA is ordered accordingly. No costs.

(R.RANGARAJAN) 2
MEMBER (ADMN.)

(V.NEELADRI RAO)
VICE CHAIRMAN

Open court dictation

Deputy Registrar (Adm.)

Copy to:-

1. Divisional Engineer(BG), S.C.Railway, (Doubling)-I, Kazipat.
2. Senior Divisional Engineer, S.C.Railway, (Coordinator),
3. Senior Divisional Personnel Officer(BG), S.C.Railway, Sanchalan Bhavan, Secunderabad.
4. Central Railway, Secunderabad(BG) Sanchalan Bhavan, South
5. One copy to Sri. N.Krishna Rao, advocate, Flat No.1, Block No.7, MIGH-II, Baghlingampally, Hyd.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One spare copy.

bm/-
Sd/-

O.A. 331/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

THE HON'BLE MR. ^{K. Kanga B. Jem.} A. B. GORTHL : MEMBER (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated: 4/11/ -1993

ORDER/JUDGMENT:

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

in

O.A. No. 331/93

T.A. No. (W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

Central Administrative Tribunal
DESPATCH

7 NOV 1993

HYDERABAD BENCH.