

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.864/94

DATE OF ORDER : 20-10-1997.

Between :-

V.Venkata Rao

... Applicant

And

1. Dy.Chief Engineer (Construction),
S.C.Rlys, Aurangabad.
2. Chief Administrative Officer,
SC Rlys, Railnilayam, Sec'bad.
3. Chief Personnel Officer,
SC Rlys, Railnilayam,
Sec'bad.

... Respondents

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Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CLERK:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri G.V.Subba Rao, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the respondents.

2. The applicant in this OA was appointed as a Casual Labourer Crane Operator on 3-2-66 under the Inspector of Works, Godavari Bridge, South Central Railway at Kovvur^{and} was continued there till 1978.

It is further stated that while he was working as Gangman he was directed to appear for screening for regularisation and regularised in the scale of Rs.200-250/- vide Divisional Engineer, Vijayawada

letter dt.27-9-78 (Annexure-A to the reply). The applicant was regularised with effect from 27-9-78 ^{in accordance with} as per Railway Board Lr.No.DC-72/RLT/69-3 dt.12-6-1974 (page-2 of the reply). The applicant retired

from service on 29.2.92 while working as Crane Driver. The contention of the applicant is that his qualifying service should be

counted from the date of bringing him on temporary status after 120 days after he was posted as a ^{Crane} Crane Operator on 3-2-66. He relies

on SLJ 1990 and Batch reported in SLJ 1993 (Vol.III) 341 (Keshavan Nair Vs.

General Manager, Southern Railway). He further contends that the Godavari Bridge is a construction work and it cannot be treated as

project work and ^{hence} he is entitled for all the benefits applicable to the casual labourers in open line.

3. This OA is filed to re-fix his pension and other retirement benefits taking into account the services rendered by him from 3-2-66 till 29-2-92 as qualifying service ^{by} for the purpose of

treating him as having acquired temporary status on completion of 120 days of continuous service from the date of initial engagement as casual labourer in 1966. He also prays for a direction to pay arrears of etc as due from time to time.

4. The main contentions of the applicant are two fold :-

(i) if the applicant is considered as Project Casual Labourer then he is entitled for the relief as granted by the Ernakulam Bench of this Tribunal in OA 485/89 in K.G.Radhakrishna Panikar Vs. Union of India;

(ii) Godavari construction Bridge work cannot be treated as project work and hence he is entitled for counting his casual labourer service as was done in open line casual labourers.

Counsel for the applicant further submits that necessary records in this connection may be called for from the departmental authorities to prove his contentions.

5. If the applicant is treated as project casual labourer, then he is entitled for the reliefs given in OA 569/90 & Batch (A.N.Kesavan Nair & others Vs. General Manager, Southern Railway, Madras, SLJ 1993

(2) CAT 340). When we scrutinised the judgement in OA 569/90 & Batch, we find that this case was disposed of basing on the judgement rendered in KG Radhakrishna Panikar's case in OA 485/89, but the KG Radhakrishna Panikar's case was challenged in the Apex Court by filing SLP in Civil Appeal No.4643/92 (Union of India Vs. KG Radhakrishna Panikar & others) As we find that the case of the applicant herein is similar to the KG Radhakrishna Panikar's case which the respondents also agree, the applicant is entitled for relief as was granted in OA 485/89.

6. In view of what is stated, the applicant is entitled to the relief as given by Ernakulam Bench in KG Radhakrishna Panikar's case subject to the outcome of the SLP filed by the Apex Court in Civil

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Appeal No.4643/92. If the Civil Appeal is dismissed, then the applicant is entitled for the relief as granted to KG Radhakrishna Panikar by the Ernakulam Bench. If the Civil Appeal is allowed, then the applicant is not eligible to get any reliefs. If any other order is given by the Apex Court in that Civil Appeal then the applicant is also entitled for that reliefs.

7. The second contention of the applicant is that Godavari Project construction cannot be treated as a project work and it has to be treated as construction work and hence he is entitled for the relief which are to be given to a construction/open line casual labourer. In our order dt.8-9-97 we have asked the counsel for the applicant to produce documentary evidence to state so. The learned counsel for the applicant submits that he has filed a miscellaneous application for getting the necessary details from the respondents authorities. This case is instituted in the year 1994. Hence at this stage to call for records and to give any order will only delay the case with no useful purpose. However, the applicant is at liberty to file a detailed representation contending that Godavari Bridge is not a project organisation but a construction organisation and hence his services in that organisation should be treated as a casual labourer under construction organisation and the ^{benefits} applicable to a construction/open line casual labourer for counting that service for the purpose of qualifying service should be given accordingly. If such a representation is submitted by the applicant within two months from the date of receipt of a copy of this judgement, then that representation should be disposed of by the respondent authorities within two months from the date of receipt of that representation.

OA.864/94

Copy to:-

- 1. Dy.Chief Engineer (Construction), South Central Railway, Aurangabad.
- 2. The Chief Administrative Officer, South Central Railway, Railnilayam, Secunderabad.
- 3. Rail Chief Personnel Officer, South Central Railway,
- 4. One copy to Mr. G.V.Subba Rao, Advocate, CAT., Hyd.
- 5. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
- 6. One copy to D.R.(A), CAT., Hyd.
- 7. One duplicate copy.

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10/11/97

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

BY THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :
M (1)

Dated: 20/10/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in

C.A.NO. 864/94

~~Admitted and Interim Directions
Issued.~~

~~Allowed~~

~~Disposed of with Directions~~

~~Dismissed~~

~~Dismissed as withdrawn~~

~~Dismissed for Default~~

~~Ordered/Rejected~~

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
बेचन/DESPATCH
3 NOV 1997
HYDRABAD BENCH