

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD

D.A.NO.123/94

Between:

Date of Order: 1.3.95.

K.R.Murugan

...Applicant

And

1. The Chief Personnel Officer,  
South Central Railway,  
Railnilayam,  
Secunderabad.
2. The Chief Commercial Superintendent,  
(Catering) South Central Railway,  
Railnilayam,  
Secunderabad.
3. The Senior Divisional Personnel Officer,  
South Central Railway,  
Vijayawada.

...Respondents.

Counsel for the Applicant : Mr.P.Krishna Reddy

Counsel for the Respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:

THE HON'BLE SHRI A.V.HARIDASAN : MEMBER (J)

THE HON'BLE SHRI A.B.GORTHY : MEMBER (A)

Contd...

till to date cannot deny him the benefits which are  
- - - - - engaged in the other depart-  
ments of the railways. We find that there is considerable  
merit in the submission of the learned counsel for the  
applicant. In fact, in his letter dated 24.8.92 the  
Divisional Railway Manager, Vijayawada directed the  
Chairman/Managers of the canteens under his jurisdiction  
to prepare lists of pre.1.4.90 ~~of the~~ casual labours  
engaged in the canteens and send the same to him so as  
to enable him to take up their case with the higher  
authorities for regular absorption. We are informed  
that although the name of the applicant and some other  
similarly engaged casual workers were sent to higher  
authorities no action was taken in the matter of regular  
absorption of such employees either in the canteens or  
in other offices of the railways.

6. As already stated, the Supreme Court in  
M.M.K.Khan's case, held that the canteen employees should  
be treated as railway employees w.e.f. a particular date.  
We are therefore inclined to view the case of the applicant  
as that of a casual labour engaged by the railways not-  
withstanding the fact that he was paid from the sale  
proceeds of the canteen. Consequently we dispose of  
this application with the following directions to the  
respondents:-

1. The applicant will be continued as a casual  
worker preferably in any of the canteens in  
Vijayawada or in any of the <sup>Railway</sup> establishments ~~of at~~ <sup>at</sup>  
Vijayawada, where-ever there is work.
2. The <sup>seniority</sup> ~~service~~ of the applicant as a casual worker  
will reckon from the date of his initial engage-  
ment, i.e. 10.3.86.
3. The case of the applicant for grant of temporary

(34)

.. 3 ..

to all railway employees ~~at~~ those who ~~are~~ regularly employed in the Canteens both Statutory and Non-statutory. As the applicant and some other similarly situated casual workers did not come within the scope of the judgement of the Supreme Court, it was decided to disengage them.

for the applicant and Mr. V. Bhimanna, learned standing counsel for the respondents. Mr. P. Krishna Reddy raised two important issues for our consideration. His first contention is that the applicant is entitled to the benefit of the judgement in M. M. R. Khan's case. A careful reading of the judgement would show that the Apex Court took into consideration the relevant paragraphs of the Indian Establishment Manual governing the establishment and management of canteens, both statutory and non-statutory. The said provisions of the Railway Establishment Manual did not envisage <sup>the</sup> engagement of the casual labour in the canteens. It would accordingly appear that the direction of the Supreme Court would be applicable only to those employees of the canteens who were appointed in accordance with the relevant provisions of the IREM and not to casual workers engaged to work on daily wages in the said canteens. In these circumstances it will be difficult for us to hold that the benefit of the judgement in M. M. R. Khan's case would ~~be~~ wholly be available to the applicant.

5. The next point raised by Mr. P. Krishna Reddy is that the respondents having ~~been~~ engaged the applicant as early as in 1986 and taken work from him continuously

b

(26)

.. 5 ..

status and subsequent regularisation will be considered by the respondents in terms of the extant scheme/instructions applicable to full time casual labourers.

No order as to costs.

13/3/91  
R. S. G. Ramani  
Secretary  
South Central Railway  
Secunderabad

To

1. The Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
2. The Chief Commercial Superintendent, (Catering) South Central Railway, Railnilayam, Secunderabad.
3. The Senior Divisional Personnel Officer, South Central Railway, Vijayawada.
4. One copy to Mr. P. Krishna Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare Copy.

YLKR