

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A.No.1222/95

Date of Order: 17.4.97

BETWEEN:

- | | |
|-----------------|--------------|
| 1. Sudharshanam | 9. Beesanna |
| 2. Ramudu | 10. Beesanna |
| 3. Samuel | 11. John |
| 4. Naganna | 12. David |
| 5. Eesanna | 13. Sunkanna |
| 6. Sawaree | 14. Suvartha |
| 7. Krishnaiah | 15. Samuel |
| 8. Babu | |

.. Applicants.

AND

1. Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.
2. Divisional Railway Manager (MG),
Hyderabad Division,
S.C.Rly., Secunderabad.
3. Divisional Engineer (Maintenance),
MG Division, S.C.Rly.,
Secunderabad.
4. Assistant Engineer,
S.C.Rly., Kurnool.
5. Permanent Way Inspector,
S.C.Rly., Kurnool.

.. Respondents.

Counsel for the Applicants

.. Mr.P.Krishna Reddy

Counsel for the Respondents

.. Mr.V.Bhimanna

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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

J U D G E M E N T

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

Heard Smt Sarada for Mr.P.Krishna Reddy, learned counsel
for the applicants and Mr.V.Bhimanna, learned standing counsel
for the respondents.

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2. There are 15 applicants in this OA. They were engaged under PWI, Kurnool as Gangman ^{for} on Monsoon ~~Patrolling~~ ^{me} duties in the year 1990. They were also brought on the authorised pay scales after medical examination from 1992 onwards.

3. The grievance ^{me} of the applicants ^{is} that though they had put in sufficient service, their services are not regularised even though the juniors ^k of the applicants ^{are} were absorbed on regular basis. The applicants ^{are} ^{is} still continuing on casual basis. They were given work only for 3 months for Monsoon ~~Patrolling~~ ^{dates} and they were discharged ^{was} after the Monsoon ~~Patrolling~~ period ^{is} over.

4. This OA is filed praying for a direction to the respondents to re-engage the applicants with all consequential benefits and for a further direction to the respondents to regularise the services as Class IV employees.

5. An interim order had ^{passed} been ^{given} in this OA on 18.6.96 wherein the applicants were directed to approach the respondents to consider their engagement for Monsoon ~~Patrolling~~ duty as Gangman and the Respondents were advised to take a sympathetic view on the basis of the facts and circumstances of the case.

6. Reply has been filed in this OA. The facts of this case are not disputed. It is stated in page-2 of the reply that the applicants ~~who~~ are borne ^{are} on the live register of CPWI, Kurnool unit as daily rated casual labourers on the basis of their service after 1.1.89 and pre 1991 in the CPWI Kurnool Unit as per the approval of the competent authority ^{and they} are being re-engaged for monsoon ~~patrolling~~ which is purely seasonable type of work since 1990 onwards ^{to} till date and they are being retrenched after completion of monsoon i.e. on or before 18th October of every year. Their seniority

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is reckoned on the basis of the total number of working days rendered by them under CPWI, Kurnool Unit. Accordingly their seniority is maintained along with other CMRs/CLs who are already born on live register of CPWI, Kurnool and they will be absorbed against the vacancies as per ~~the~~ seniority. Further the seniority list is being published ^{periodically} and the seniority position notified ~~by~~ ^{to} all CMRs/CLs at the time of screening.

7. It is also stated in the reply that none of the juniors ^{were} to the said 15 casual labourers absorbed in the permanent vacancy of CPWI, Kurnool Unit.

8. From the above submission of the respondents it is evident that none of the juniors to the applicants were regularised as Gangman under CPWI, Kurnool Unit. The applicants also have not indicated the names of the juniors who are regularised. In view of the above it has to be held that none of the casual gangman junior to the applicants were regularised under CPWI, Kurnool. It is also noted from the reply that the applicants will be considered for regularisation in their turn if their names are in the live register. The learned counsel for the applicant submits that their names are in the live register. If so there will be no need for giving any direction for regularising their services as they will be regularised in their turn as and when vacancies arise. Further it is also noted from the reply of the respondents that the applicants will be re-engaged as and when there is work. Hence we have no doubt in our mind that the applicants will be re-engaged for Monsoon Patrolting duty in future years if there is need to engage them for that work and they will be engaged in accordance with the seniority in the live register.

9. In view of what is stated above the following direction is given:-

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The applicants should be regularised in their turn

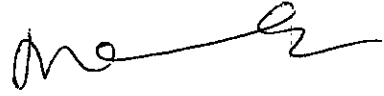
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in the appropriate seniority unit
as and when vacancies arise in future, if their names are
in the live register. They should also be considered for
re-engagement for future works as casual labourers if there
is need to engage some casual labourers for that work in
accordance with the seniority in the live register.

10. The OA is ordered accordingly. No costs.

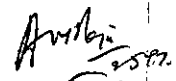

(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

Dated: 17th April, 1997

(Dictated in Open Court)

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D. R. (J)

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Copy to:

1. The Chief Personnel Officer, South Central Railway, Railnilyam, Secunderabad,
2. Divisional Railway Manager, (MG), Hyderabad Division, South Central Railway, Secunderabad.
3. Divisional Engineer (Maintenance), MG Division, South Central Railway, Secunderabad.
4. Asst. Engineer, South Central Railway, Kurnool.
5. Permanent Way Inspector, South Central Railway, Kurnool.
6. One copy to Mr. P. Krishna Reddy, Advocate, CAT, Hyderabad.
7. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
8. One copy to D.R(A), CAT, Hyderabad.
9. One duplicate copy.

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9/6/97

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CHECKED BY

COMPILED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 17/4/97

ORDER/JUDGEMENT

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

in

O.A.No. 1222/95

~~ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

YLKR

II COURT

