

(140)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A.NO. 1084/95

DATE OF JUDGMENT: 24.10.95

BETWEEN:

- | | |
|-------------------|---------------------------|
| 1. M.Devaiah | 12. Kishtaiah |
| 2. K.Ramulu | 13. Gadapu Yadagiri |
| 3. K.Ellaiah | 14. P.Elliah |
| 4. Ch.Kanakachary | 15. Gade Kishtaiah |
| 5. G.Bixamaiah | 16. B.Pentaiah |
| 6. B.Papaiah | 17. Parmeswar |
| 7. Chandriah | 18. Chalamiah |
| 8. B.Istary | 19. S.Lingareddy |
| 9. N.Bixam | 20. Pentamaneni Narasimlu |
| 10. K.Muttaiah | 21. P.Anjaiah |
| 11. B.Sattiah | |

.... Applicants

AND

1. The Divisional Railway Manager,
South Central Railway, Secunderabad.
2. The Sr. Divisional Engineer (Coordination),
Broad Gauge, S.C.Railway, Secunderabad.
3. The Sr. Divisional Personnel Officer,
S.C.Railway, Secunderabad.
4. The Divisional Engineer (Central),
S.C.Railway, Secunderabad.
5. The Asstt.Engineer (Spl.Works), SC Railway,
Bibinagar, Nalgonda District.
6. The Chief Permanent Way Inspector,
SC Rly, Chityal, Nalgonda District.

.... Respondents

COUNSEL FOR THE APPLICANT: SHRI P.P.VITTAL

COUNSEL FOR THE RESPONDENTS: SHRI V.BHIMANNA
~~XX~~/Addl.CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

O.A.NO.1084/95.

JUDGMENT

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

Heard Shri P.P.Vittal, learned counsel for the applicants and Shri V.Bhimanna, learned standing counsel for the respondents.

2. There are 21 applicants in this OA. They were earlier working as Casual Labour under CPWI, Chityal in Secunderabad-Bibinagar Section of Secunderabad Division. It is also stated for the applicants that all the applicants herein were registered in the live register as at Annexure A-I attached to the OA.

3. The applicants were engaged for monsoon patrolling in the year 1993 and 1994 also. ~~Further~~ However, they were not engaged for monsoon patrolling for the year 1995, the present season. Hence, they have represented for engagement as Casual Labour for monsoon patrolling, vide their representations dated 25.10.1994 and 26.10.1994 at Pages 14/ ^{and 15 in} Annexure A-2 of the OA. However, their representations ~~were~~ did not receive any reply. Hence, they have filed this OA for declaration that the inaction of the respondents in regularising the services of the applicants on monthly rate of pay and issue of the impugned order No.CW.WA.M.P 3 Vol.IV, dated 21.7.1995 is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution

contd....

To

1. The Divisional Railway Manager, S.C.Rly, Secunderabad.
2. The Senior Divisional Engineer, (Co-ordination),
Broad Gauge, S.C.Rly, Secunderabad.
3. The Senior Divisional Personnel Officer,
S.C.Rly Secunderabad.
4. The Divisional Engineer (Central) S.C.Rly,
Secunderabad.
5. The Assistant Engineer (Spl.Works) S.C.Rly,
Bibinagar, Nalgonda Dist.
6. The Chief Permanent Way Inspector, S.C.Rly,
Chityal, Nalgonda Dist.
7. One copy to Mr.P.P.Vittal, Advocate, 119, Lalitanagar, Hyderabad.
8. One copy to Mr.V.Bhimanna, SC for Rlys, CAT.Hyd.
9. One copy to Library, CAT.Hyd.
10. One spare copy.

pvm

CPA

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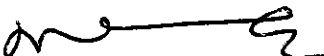
of India and consequently direct the respondents to grant temporary status (monthly rate of pay) by reengaging them as Casual Labour in CPWI, Chityal/^{Section}in Secunderabad Division with all consequential benefits.

4. As the names of the applicants are already in the live register, they have opportunity to get reengagement as and when their turn comes. It is not the case of the respondents that the applicants will^{not} be reengaged if their names^{are} in the live register. The live register is the only document from which engagement of the Casual Labour is being done in the Railways.

5. In the above circumstances, the following direction is given:-

The applicants herein should be reengaged as Casual Labour and as and when their turn comes and if there is work provided their names are in the live register. Granting them temporary status should be considered in accordance with the rules as per their turn.

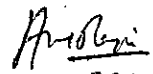
6. The OA is ordered accordingly at the admission stage itself. No costs.//


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 24th October, 1995.
Open court dictation.

vsn


22/10/95
Dn/ce

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO
VICE CHAIRMAN

AND

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

DATED: 24-10-1995

~~ORDER~~/JUDGMENT

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

in

O.A.No. 1084/95

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

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed. *at the admission stage*

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No spare copy

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