

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1311/95

Date of Order : 17.4.97

BETWEEN :

- | | |
|------------------------|------------------------------|
| 1. K.Nageswara Rao | 15. K.Nagesh |
| 2. G.Paul John | 16. K.Ramesh |
| 3. Ch.Venkateswarlu | 17. M.D.Yakub Pasha |
| 4. M.Kishan | 18. D.Hanumantha Rao |
| 5. P.Venkateswarlu | 19. B.Sammaiah |
| 6. M.A.Jaffar | 20. N.Prabhakar Shastri |
| 7. S.Adam | 21. G.Ekambaram |
| 8. E.Ramamurthy | 22. D.Nageswara Rao |
| 9. I.Balaraj | 23. Ch.Krishna Rao |
| 10. M.D.Bhasheer Ahmed | 24. S.K.Jaffar |
| 11. N.Srinivas | 25. R.Shankar |
| 12. M.Deva Raju | 26. P.Srinivas |
| 13. S.K.Saidulu | 27. V.Eriya |
| 14. M.Ravi | 28. M.A.Aleem .. Applicants. |

AND

1. The Chief Personnel Officer,
S.C.Rly., Rail Nilayam, Secunderabad.
 2. The Divisional Railway Manager (BG),
S.C.Rly., Secunderabad.
 3. Sr.Divisional Engineer (Co-ordination),
S.C.Rly.(BG), Secunderabad.
 4. Assistant Engineer, S.C.Rly.,
Dornakal, Warangal Dist.
 5. Permanent Way Inspector, S.C.Rly,
Bhadrachalam, Khammam Dist.
 6. Permanent Way Inspector, S.C.Rly.,
Chityal, Nalgonda.
- .. Respondents.

Counsel for the Applicants

..Mr.P.Krishna Reddy

Counsel for the Respondents

..Mr.V.Bhimanna

CORAM:

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

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

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J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Kangarajan, Member (Admn.) }

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

2. There are 28 applicants in this OA. Applicants No.1-23 are working under PWI, Badrachalam as Gangman ^{for} ~~on~~ ^{for} ~~on~~ Mansoon Patrolling duty and the applicants 24-28 are working under PWI, Chityal as Gangman ^{for} ~~on~~ ^{for} ~~on~~ Mansoon Patrolling duty. All the applicants ^{were} ~~are~~ engaged as Mansoon Patrolling duty under PWI Badrachalam. ⁱⁿ ~~on~~ the year 1993 ^{and} they were brought on A.P.scales of pay after being sent for medical examination. They attained temporary status w.e.f. 26.3.93 except applicant No.20 who attained that status from 20.8.93. The applicants submit ^{that} some of the employees engaged when they ^{were} ~~are~~ ^{monsoon} on patrolling duty were given CMR status in the year 1992 and subsequently their services were regularised and posted to work under AEN Kazipet and AEN/MDR. The names are ^{shown} ~~enclosed~~ in the letter No. CW/7/WA/Pro.CMR-Status/17, dt. 4.6.93 (A-2). The applicants complaining that they are not re-engaged and also their services are not regularised.

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

4. An interim order was passed in this OA on 18.6.96. Wherein it was made clear that notwithstanding the pendency of this OA and without prejudice to the contentions of the respondents in the OA it will be open to the respondents to

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consider the applicants for seasonal employment in the current season as Monsoon Patrolling Gangman.

5. Reply has been filed in this OA. The main points relevant for this OA as submitted by the respondents are as follows:-

(a) The letter dt. 4.6.93 at Annexure-2 of the OA is not a list of the casual labourers regularised. It is only a list of Casual labourers brought on monthly rates of pay working under CPWI/MABD. Hence the respondents submit that the statement ~~that~~ the list of the employees shown in that letter are regularised are not borne by facts. It is evident ~~that~~ from the letter that the letter indicates only the employees in that list having brought on monthly rates of pay. Hence the respondents submission has to be upheld.

(b) It is a ^{rule} ~~fact~~ that the casual labours borne in a particular unit can be regularised only in that unit. They cannot be regularised in some other units. It is stated that ^{the applicants herein} ~~they~~ are in the live register of PWI, Badrachalam and Chityal. Hence they will be regularised in their turn in that unit as and when vacancies arise in future. This is a fair submission.

(c) The re-engagement for casual duties depends on the availability of the work and also on the basis of the seniority in the live register.

6. Hence the respondents submit that the applicants ~~who~~ have no grievance and they will be regularised in accordance with ^{the} ~~their~~ turn in ^{of} ~~seniority~~ unit, Badrachalam and Chityal as and when vacancies arise in future. Further re-engagement of the applicants will be considered if there is need to engage casual labourers. On going through the submission of the respondents we have no doubt in our minds that justice will be done to the applicants. In view of the above the following direction is given :-

By the respondent themselves

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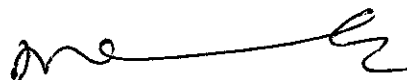
7. The applicants, if they are in the live register of PWI, Badrachalam and Chityal their services should be regularised in their turn as and when vacancies arise in future. Their cases for re-engagement as casual labourers should also be considered as per their seniority in the ^{appropriate} live register provided ^{there is work and} ~~there is~~ also need to engage the casual labourers.

8. With the above directions the OA is disposed of.
No costs.



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

17.4.97

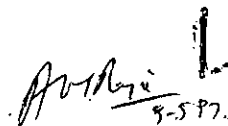


(R. RANGARAJAN)
Member (Admn.)

Dated: 17th April, 1997

(Dictated in Open Court)

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9-5-97

D.R.(S)

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Copy to:

1. The Chief Personnel Officer, South Central Railway,
Railnilayam, Secunderabad.
2. The Divisional Railway Manager, (BG), South Central Railway,
Secunderabad.
3. Senior Divisional Engineer (Co-Ordination),
South Central Railway, (BG), Secunderabad.
4. Asst. Engineer, South Central Railway,
Dornakal, Warangal District.
5. Permanent Way Inspector, South Central Railway,
Bhadrachalam, Khammam District.
6. Permanent Way Inspector, South Central Railway,
Chityal, Nalgonda.
7. One copy to Mr. P. Krishna Reddy, Advocate, CAT, Hyderabad.
8. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
9. One copy to D. B. (A), CAT, Hyderabad.
10. One duplicate copy.

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TYPED BY
COMPARED BY

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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED:

17/4/82

ORDER/JUDGEMENT

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

in

C.A.No.

1311/85

ADMITTED INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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II COURT

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
Hyderabad Bench
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