

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 Shastry
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

COKAM:

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

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

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JUDGEMENT

(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~~ Monsoon Patrolling duty and the applicants 24-28 are working under PWI, Chityal as Gangman ^{for} ~~on~~ Monsoon Patrolling duty. All the applicants ^{were} ~~were~~ engaged as Monsoon Patrolling duty under PWI Badrachalam. ⁱⁿ 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 submits that some of the employees engaged when they ^{were} ~~were~~ on ^{monsoon} 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 ~~enclosed~~ ^{shown} 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 fact ⁱⁿ 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 suomission.

(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 their turn in 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 ^{there is work and} ~~appropriate~~ live register provided ^{there is work and} ~~the~~ it is also need to engage the casual labourers.

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

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

17.4.97

(R. RANGARAJAN)
Member (Admn.)

Dated: 17th April, 1997

(Dictated in Open Court)

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Amrit
3-5-97

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Copy to:

1. The Chief Personnel Officer, South Central Railway, Railnijayam, 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.R(A), CAT, Hyderabad.
10. One duplicate copy.

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TYPED BY
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 17/4/87

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