

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1316/95

DATE OF ORDER : 11-03-1998.

Between :-

Sk.Anwar Basha

... Applicant

And

1. General Manager, SC Riys,
Rail N.ayam, Sec'bad.
2. The Sr.Divisional Personnel
Officer, SC Riys, Vijayawada.
3. The Divisional Railway Manager,
SC Riys, Vijayawada.

... Respondents

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Counsel for the Applicant : Shri R.Krishna Reddy

Counsel for the Respondents : Shri C.V.Malla Reddy, SC for Riys

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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... 2.

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Mrs. Sarada for Sri P. Krishna Reddy, counsel for the applicant and Sri C.V. Malla Reddy, counsel for the respondents.

2. The applicant in this O.A. submits that he was son of an ^{amrazdew} ex-Railway servant. He worked ⁱⁿ the month of May, 1979 at ^{bridge} ~~project~~ No. 501, ^{which} ~~was~~ washed away due to cyclone near Tangutur. ^{also} ~~as Mazdoor~~ and worked ~~as~~ for 27 days under PWI Bitragunta. Subsequently, during the year 1979-80 the applicant again worked as Mazdoor man for 361 days under PWI/Wal/NLR. It is further stated by him that in the year 1982-83 he worked as Mazdoor man for 82 days under CTR/BTTR and was stopped for want of sanction. In all the applicant worked as Mazdoor Man 470 days.


3. This OA is filed praying for a direction to the respondents to appoint him to the post he is eligible and for a further direction to give ^{him} ~~him~~ seniority on par with the persons who worked along with him during cyclone period and were subsequently appointed.


4. A reply has been filed in this O.A. In para-5 of the reply it is stated that the Railway Administration has taken a lenient view on the basis of the representation of the applicant and advised Asst. Engineer of Bitra Gunta on 25-11-87 to keep the applicant's name on the live register. The Casual Labourers ^{whose are} ~~names~~ kept on the live register will be engaged as and when required duly obtaining approval of the competent authority. In fact there are about 204 revenue casual labourers and 100 construction casual labourers on the live register still to be appointed for want of vacancies who have ^{been} ~~put~~

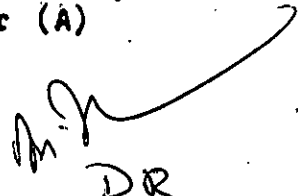
in more than 5 to 6 years service and unless and until these casual labourers are cleared by absorption there is no possibility for his re-engagement.

5. From the above it is evident that the ^{seniors to} ~~junior~~ of the applicant on the basis of the number or days of service put in are yet to be regularised. Hence we are of the opinion that the applicant who had put in only 470 days of service cannot be given relief to be posted as a regular casual labourer or to be posted as Class-IV or even to further re-engagement as a casual labourer when his seniors are available for consideration. Hence we are of the opinion that the case of the applicant has been dealt in accordance with the law by the Railways. However, it should be ensured by the ^{respondent} ~~applicant~~ that the applicant is taken on Railway Rolls as and when his turn comes. His name should not be discontinued from the live register ^{under} ~~in~~ any circumstances.

6. With the above observations, the OA is disposed of. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
11.3.98


(R. RANGARAJAN)
Member (A)


DR

Dated: 11th March, 1998.
Dictated in Open Court.

DA.1316/95

Copy to:-

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Sr.Divisional Personnel Officer, South Central Railway, Vijayawada.
3. The Divisional Railway Manager, South Central Railway, Vijayawada.
4. One copy to Mr. P.Krishna Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. C.V.Malla Reddy, SC for Rlys, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

27/3/98
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 11/3/98

ORDER/JUDGMENT

M.A./R.A/C.A.NO.

in

O.A.NO. 1316/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

