

33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1381/95

dt. 26/12/97

Between

V.T. Ranjan

: Applicant

and

1. Sr. Divnl. Rly. Manager
SC Rly., Vijayawada

2. General Manager
SC Rly., Rail Nilayam
Secunderabad

: Respondents

Counsel for the applicant

: G.V. Subba Rao
Advocate

Counsel for the respondents

: D.F. Paul
SC for Railways

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

OA.1381/95

dt. 26/12/19972
Judgement

Order (per Hon. Mr. H. Rajendra Prasad, Member (Admn.))

The applicant was engaged as Casual Labourer under the Telecommunication Inspectors (Maintenance), Bitragunta and Nellore, during the years 1978-1980. According to the applicant, his engagement ceased thereafter for want of work. The respondents in their counter-affidavit, however, assert that the applicant left the job of his own accord, and that his disengagement was neither for want of work nor on completion of any particular work.

2. Be that as it may, the Railway Board vide their letter No.EE(NG)II-84/CL/41 dated 11-9-1986 decided to grant temporary status and to prepare a revised seniority list in respect of the Project Casual Labourers and Open Line Casual Labourers who had been discharged prior to 1-1-1981 owing to want of work or on completion of a particular work. For this purpose they decided that applications would be received till 31st of March, 1987, from all disengaged casual labourers who were discharged due to the reasons noted above.

3. Pursuant to this, the applicant submitted a representation to D.R.M., Vijayawada, on 22-3-1987, which was within the last date fixed for the purpose. The receipt of the application was also said to have been acknowledged by the DRM's office three days later. On receiving no response from the authorities, the applicant submitted a representation to Senior DPO, Vijayawada, on 13-6-1993 enquiring whether his name had been included in the Live Register of Casual Labourers. He was told on 29-8-1994 that as he had not applied in response to the relevant circular, his case was not considered for

Q6/IV
26
..2.

inclusion in the Register. On receiving this reply, the applicant submitted another representation on 9-1-1995. This too was rejected on the ground that his name did not find place in the approved list of Casual Labourers although he had applied in time in response to the relevant circular.

It is further averred by the applicant that a Welfare Inspector was subsequently deputed to collect certain particulars from the applicant and a report was said to have been duly submitted by the said Inspector to the DRM. However, nothing further was heard from the authorities, whereupon the applicant made a further representation to which the following reply was given by the DRM's office :

"You have already represented the matter to Railway Board wide your letter dated 13-6-1994 and it is under the examination. As it is a case pertaining to 15 years old, it will take time to verify the records you will be advised further on completion of verification of records."

4. A copy of this reply was sent to the Welfare Inspector, Bitragunta, asking him to submit his report immediately. Further progress, if any, is not known to the applicant. Hence, this OA.

5. The applicant is a graduate. It is also stated that he is the son of a former employee who retired as a Ticket Collector after serving his full term in the department. Although it is asserted by the respondents that the applicant had stopped working on his own, the facts of the case would seem to indicate otherwise. If the applicant had voluntarily stopped working, one would not expect him to pursue this case for re-engagement so relentlessly all these years. The stand of the respondents also appears to be a little uneven. The applicant has been successively told by the authorities that (1) he had not applied in time; (2) although he had applied in time, his name was not found in the register; and (3) his

On
16/11/

case was under examination for which 15 year old records had to be scrutinised. It is not clear why three different statements of mutually divergent nature have been made on successive occasions. It is also not clear as to what was the eventual outcome of the efforts that were supposed to have been made to trace the record.

6. While this is so, the applicant has been waiting endlessly with a simple request that his name be brought on to the Live Casual Labour Register for which he appears to be wholly entitled to.

7. Considering the circumstances of the case, the OA is disposed of with a direction to the respondents to enter the name of the applicant in the Live Casual Labour Register at an appropriate place as per the extant instructions on the subject, and to engage him in his turn in preference to his juniors. The entry of his name in the Register shall be done within thirty days from the date of receipt of a copy of this order. No costs.

7.5.1.1
(H. Rajendra Prasad)
Member (Admn.)

Dt. 26 Dec 97

Deputy Registrar

dj/sk

O.A. 1381/95.

To

1. The Sr.Divisional Railway Manager,
SC Rly, Vijayawada.
2. The General Manager,
SC Rly, Railnilayam, Secunderabad.
3. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
4. One copy to Mr.D.F.Paul, SC for Rlys, CAT.Hyd.
5. One copy to HHRP.M.(A) CAT.Hyd.
6. One copy to D.R. (A) CAT.Hyd.
7. One spare copy.

pvm

27/1/98
TYPED BY
COMPARED BY

I
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE
VICE-CHAIRMAN
AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

DATED: 26-12-1997

ORDER/JUDGMENT:

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

O.A.No. 1381/95 in

T.A.No.

(W.R)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकाराण
Central Administrative Tribunal
सेवा/DESPATCH

- 1 JAN 1998

हैदराबाद प्रायोगिक
HYDERABAD BENCH