

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A.No.            of 1995

Between

Y. Venkata Lakshmi  
w/o Y. Kasiviswanatham, aged  
46 years, Summer Water Woamn,  
South Central Railway,  
Vijayawada, resident of  
Chittanager, Bangaralah Street,  
Near Anjeneyaswamy Temple,  
Vijayawada.

... Applicant

and

1. Station Superintendent,  
South Central Railway,  
Vijayawada.
2. Divisional Railway Manager,  
South Central Railway,  
Vijayawada.
3. General Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad

... Respondents

APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE  
TRIBUNALS ACT, 1985.

- - -

I. PARTICULARS OF THE APPLICANT:

The particulars of the applicant are as mentioned in  
the above cause title.

The address of the applicant for purpose of service of  
notices etc., is that of her counsel M/s G.V. Subba Rao, N.  
Ethirajulu, Advocates, H.No. 1-1-230/33, Chikkadapalli,  
Hyderabad.-500020.

2. PARTICULARS OF THE RESPONDENTS:

The particulars of the respondents are as mentioned  
in the above cause title.

III. ORDERS AGAINST WHICH THE PRESENT OA FILED:

The applicant herein seeks a direction from this Hon'ble Tribunal to the respondents herein to absorb her in any Group 'D' posts of any branch of the Vijayawada Division since she has been working as a Summer Water Woman since 1982 continuously and she is also physically handicapped under special quota for physically handicapped.

IV. JURISDICTION:

The applicant declares that the subject matter of the present O.A. is well within the jurisdiction of this Hon'ble Tribunal under Section 14(1)(a) of the Central Administrative Tribunals Act, 1985 since the applicant is working as Summer Water woman in Vijayawada Railway Station.

V. LIMITATION:

The applicant further declares that the O.A. is within the limitation under Section 21<sub>a</sub>(1)(a) of the Central Administrative Tribunals Act, 1985 in as much as her representation dated 20-1-1995 has not been considered by the respondents so far.

VI. FACTS OF THE CASE:

The applicant humbly submits that her husband Sri Y. Kasi Viswanatham who was employed in Group 'D' service in Vijayawada division was medically unfitted for further service. She applied for the job on compassionate grounds. In stead of providing her job on compassionate grounds as a regular measure, she was given a job of Casual labour Summer Water woman in April, 1983 on compassionate grounds. She has been continuously working as a Summer Water Woman for the last 12 seasons and she had put in more than 1400 days of casual labour service from 1983 onwards.

2. She hails from Backward caste community, and has to maintain her sick husband and two children with the meagre salary she gets for being engaged during the summer period every year. She is also a physically handicapped person and the certificate given by the Orthopaedic surgeon, Vijayawada Government Hospital is also enclosed. The applicant was granted temporary status w.e.f. 11-4-1986 by the DRM/BZA. Eventhough she has been working for the past 12 years continuously, her service have not been regularised in Group 'D' service whereas casual labour working in other departments of the division with less number of years of service have been regularised as Group 'D' employees.

3. It is submitted that the General Manager, South Central Railway, Secunderabad had advised the DRM/BZA consequent on a meeting with the organised labour SERES Sangh that the Summer Water Woman working in Vijayawada division should be absorbed in any group 'D' post on Vijayawada division. No action has been taken by the DRM to regularise the services of casual labour with temporary status.

4. The applicant submitted representation on 20/1/1995 explaining her case for regularisation and also mentioned therein that as she is a physically handicapped person she requested for absorption even against the quota fixed for physically handicapped persons. The applicant did not succeed in getting her ~~jam~~ absorption against a permanent vacancy and as such she obliged to approach this Hon'ble Tribunal for redressal of her grievance.

VII. RELIEF PARYED FOR

In view of the facts mentioned in para VI of the O.A. the applicant herein prays that this Hon'ble Tribunal may be pleased to direct the respondents herein to absorb her in any capacity in Group 'D' service of any department of Vijayawada

Division as she has been working continuously for the last 12 years by declaring non-regularisation of her services in Group 'D' Service on a par with casual labour of other departments as illegal, arbitrary and unconstitutional and consequently direct the respondents to absorb her against any of the vacancies existing in general as well as reserved posts for Orthopaedically handicapped persons.

VIII. INTERIM ORDER:

The applicant humbly prayed that a direction may be issued to the respondents to consider her for absorption against any one of the existing vacancies in group 'D' service of Vijayawada division, pending disposal of the O.A. and pass any other order or orders as deemed fit proper and expedient in the circumstances of the case.

IX. REMEDIES EXHAUSTED:

The applicant declares that she has exhausted all the remedies available under service rules in as much as her representation dated 20-1-1995 has not been considered by the respondents.

X. MATTERS PENDING WITH ANY OTHER COURT ETC:

The applicant further declares that the subject matter of the present O.A. is not pending before any Court of Law, authority or Bench of this Hon'ble Tribunal.

XI. PARTICULARS OF POSTAL ORDER:

Indian postal order No. 8 09 589660 dated 9-11-1995 for Rs. 50/- drawn in favour of the Registrar, Central Administrative Tribunal, Hyderabad is enclosed.

XII. PARTICULARS OF INDEX;

An index containing the details of the documents to be relied upon is enclosed.

XIII. LIST OF DOCUMENTS;

1. Vakalat
2. Index containing the details of documents to be relied upon.
3. Postal Order for Rs. 50/- No. 8 09 589660 dated 9-11-1995.

U.P.O. REC'D.D. Remains

V E R I F I C A T I O N

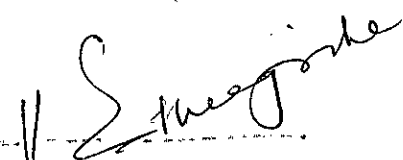
I, Y. Venkata Lakshmi, w/o Y. Kasiviswanadhan, aged 46 years, working as Summer Water Woman, South Central Railway, Vijayawada railway station, resident of Chittinagar, Bangarash Street, Near Anjaneyaswamy Temple, Vijayawada having temporarily come down by Hyderabad do hereby verify that the contents of Paras I to XIII are true and correct to the best of my knowledge and belief and that I have not suppressed any material facts of the case.

Hence verified on this the 12th day of November, 1995 at Hyderabad.



L.T.S. of Y. Venkata Lakshmi  
APPLICANT

To  
THE REGISTRAR,  
Central Administrative Tribunal,  
Hyderabad Bench,  
Hyderabad

  
Counsel for Applicant.

are in a position to fit them in permanent posts. However, they can be continued as water carriers if there is need for such engagement and also regularise them in accordance with extant instructions. But their consideration for re-engagement has to be done in preference to freshers from the open market.

6) In view of what is stated above, the following direction is given:

- i) The applicant should be re-engaged as a seasonal water woman under the control of R1 during the summer season if there is need for such engagement in preference to freshers from the open market.
- ii) The applicant shall be considered for regularisation in accordance with extant instructions/scheme provided, temporary status has already been conferred on the applicant.

7) OA is ordered accordingly at the admission  
No costs. //



(R. RANGARAJAN)  
Member (Admn)

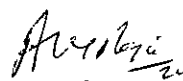


(V. NEELADRI RAO)  
Vice Chairman

Dated: The 28th December, 1995

Dictated in the Open Court

mvl

  
Dy. Registrar (J)

Copy to:-

1. Station Superintendent, South Central Railway, Vijayawada.
2. Divisional Railway Manager, South Central Railway, Vijayawada.
3. General Manager, South Central Railways, Rail Nilayam, Secunderabad.
4. One copy to Mr. G.V. Subba Rao, Advocate, CAT, Hyd.
5. One copy to Mr. J.R. Gopala Rao, SC for Railways, CAT, Hyderabad.
6. One copy to Library, CAT, Hyd.
7. One copy spare.

kku.

04-1412/95

I COURT

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

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

Dated: 28-12-1995

ORDER/JUDGMENT

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

in

O.A.No. 1412/95

T.A.No.

(w.p.No.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No spare copy

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
ब्रेषण/DESPATCH  
31 JAN 1996 NSP  
हैदराबाद ब्याचपीठ  
HYDERABAD BENCH