

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1476/95

DATE OF ORDER : 08-06-1998.

Between :-

1. D.Narayana	37.Nam Dev Trimbaik
2. E.R.Sathyenarayana	38.G.Ashok Pentaiah
3.E.Thulesidas	39.Ramulu Narasaiah
4.B.Shivaram Muthaiah	40.Somaiah Mallaiah
5.Devaiah	41.Sampath Rao
6.Abdul Rahiman Bashir Bai	42.Tyagaraju Kandha Swamy
7.Dashangam Mallaiah	43.Pentaiah Venkata Narasaiah
8.Jaganadham Rahaiah	44.Krishna Sathaiah
9.B.Yeshodha Kistaiah	45.K.Venkata Swamy
10.S.Venkatesh Ramaiah	46.Md.Shariff
11.Bikshapathi Yellaiah	47.K.Narasimha Sikkaiah
12.Savaranna Hanmaiah	
13.Laxmaiah	
14.Aridas Frank	
15.Kristi Anthony	
16.K.Krishna Enkaiah	
17.B.Narsing Rao Gandaiah	
18.B.Radhakrishna Babulal	
19.A.L.Jayasundhar Lokanadham	
20.Sk.Ahmed	
21.K.Narasimha Ramaswamy	
22.Jayamani Rammurthy	
23.Satyana Rayana Pochaiah	
24.Syed Afzal Ali	
25.Iylaiah	
26.Y.Visweswara Rao	
27.Durgaiah Kumaraiah	
28.Anukusaih Pochaiah	
29.Saralaiah Narasaiah	
30.Anantha R o Bheemaiah	
31.Narasimha Ellaiah	
32.Ratnam Andhraiah	
33.Narasimha Ramaiah	
34.Dass pocnaiah	
35.Krishna Kistaiah	
36.Pochaiah Ramulu	

... Applicants

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And

1. The General Manager,
S.C.Railway, Rail Nilayam,
Sec'bad.
2. The Divisional Railway Manager (MG),
S.C.Railway, Hyderabad Division,
Sec'bad.
3. The Divisional Engineer (Special Works),
(Meter Guage), SC Railways,
Hyderabad Division, Sec'bad.
4. The Asst.Engineer (Water Works),
(Meter Guage), SC Rlys,
Hyd. Division, Sec'bad.
5. The Inspector of Works,
North-II Lallaguda Work shop,
SC Rlys, Sec'bad.

... Respondents

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Counsel for the Applicants : Shri P.Krishna Reddy

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

CORAM:

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

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

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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Heard Mrs.Sharada for Sri P.Krishna Reddy, counsel for the
Sri ^{URS} P.Gurupadam for
applicant and Sri C.V.Malla Reddy, standing counsel for the res-
pondents.

2. There are 47 applicants in this O.A. They were initially
engaged as Railway Khalasi's in the Unit of IOW (Water Works),
S.C.Railway, Hyderabad North II (Respondent No.5 office). On
completion of 120 days, they were conferred temporary status. The

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service particulars such as their engagement and conferment of temporary status have been clearly furnished in Annexure-I page-11 to the OA. They were engaged prior to 1983.

3. The applicants relied on the decision of the High Court of Andhra Pradesh in Writ Petition No.3601/95 wherein it was held that the seniority should be counted from the date of attainment of temporary status or from the date the casual labourer was screened and empanelled for regular absorption. The applicants also relied on the clause 2511(a) of IREM, both before and after its amendment from 7-5-83. It is further submitted that the amendment was considered by the Hon'ble High Court of Andhra Pradesh and held that the amendment will take effect ~~from~~ prospectively but not retrospectively. The applicants further submit that the employees working under Respondent No.5 approached this Tribunal in OA 89/89 and on account of revision of seniority of those applicants, the present applicants were ranked juniors.

4. Hence they have ~~not~~ filed this O.A. to direct the respondents to include the service rendered by the applicants after attainment of temporary status for the purpose of all the benefits, including seniority, promotion, arrears of salary and retirement benefits.

5. The respondents have filed a counter stating that the seniority of the Khalasis was to be reckoned only from the date of the absorption after conducting screening test. Accordingly, the seniority of all the applicants have been fixed correctly with references to their dates of regular absorptions as Khalasis. It is further stated in the counter that the principles evolved by this Tribunal in TA 560/87

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and OA 89/89 were not approved by the Hon'ble Supreme Court in ~~the case of~~ Smt. Kameswari Vs. Union of India & another (1993 (1) SLR 550 SC) by holding that the amended para 2511 (a) lays down that the seniority has to be reckoned in regard to the casual labourers in Railways from the date of regularisation and not from the date of attaining temporary status. The applicants further relied on the decision of Hon'ble Tribunal in OA 829/91 and OA 640/92 (Adayya & others Vs. Chief Personnel Officer, SC Rlys & others) decided on 8-3-95. This Tribunal in the said OA considered the decision of the Hon'ble Supreme Court in the case of Kameswari Vs. Union of India referred to above and held that for the purpose of counting seniority, in case the seniority list in the particular unit was not revised in terms of unamended rule 2511(a), the seniority of the applicants herein is to be revised from the date on which their temporary status was confirmed and further observed that ^{in case} the seniority list in the Unit is not revised then the seniority which has already become final need not be revised.

6. The applicants counsel submitted that the applicants in this OA are similarly placed to the applicants in OA 640/92 and that the directions similar to those given in that OA may be given in this OA.

7. Accordingly the following directions are given :-

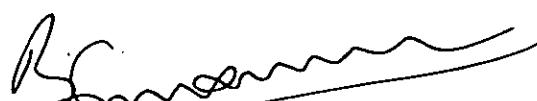
(a) If the seniority list in this unit i.e. IOW (Water Works), SC Rlys, Hyderabad North II had been revised in terms of unamended provisions of the para 2511(a) of IREM, in regard to the some of the employees who belonged to this unit, in pursuance of orders in various WPs/TAs the

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seniority of the applicants herein also has to be revised to reckon their service for the purpose of seniority from the date on which their temporary status was confirmed.

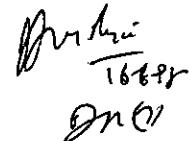
(b) In case the seniority list in this unit is not revised, then the seniority list which had already become final need not be revised and the remaining seniority lists, if any, have to be prepared by taking into consideration the length of service from the date of regularisation in regard to those who were initially engaged as casual labour following ^{the} judgement of the Supreme Court in Smt. Kamleshwari Vs. Union of India & others (1993(1) SLR 554).

8. The O.A. is disposed of with the above directions. No order as to costs.


(B.S.JAI PARAMESHWAR)
Member (J)
8/6/98


(R.RANGARAJAN)
Member (A)

Dated: 8th June, 1998.
Dictated in Open Court.


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Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Divisional Railway Manager, (MG), South Central Railway, Hyderabad Division, Secunderabad.
3. The Divisional Engineer (Special Works) Meter Gauge, South Central Railway, Hyderabad Division, Secunderabad.
4. The Asst. Engineer (Water Works), (Meter Gauge), South Central Railway, Hyderabad Division, Secunderabad.
5. The Inspector of Works, North-II, Lallaguda Workshop, South Central Railway, Secunderabad.
6. One copy to Mr. P. Krishna Reddy, Advocate, CAT, Hyderabad.
7. One copy to Mr. C. V. Malla Reddy, SC for Railways,
8. One Copy to D.R(A), CAT, Hyderabad.
9. One duplicate copy.

25/6/98
⑥ II COURT

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COMPARED BY

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: 8/6/98

ORDER/JUDGMENT

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

in
O.A.NO. 1476/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

22 JUN 1998

हैदराबाद स्पायरपीट
HYDERABAD BENCH