35

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.1498-of-1995

DATE-OF-ORDER:-28th-February,-1997

BETWEEN:

1. J.Murali Rao,
2. S.Abdul Kalam,
3. S.Abdul Rasheed,
4. C.Noor Basha,
5. Hasan Sahab,
6. Shaik Mohaboob Basha. .. APPLICANTS

AND

1. Union of India rep. by the
   Secretary to Government,
   Railway Board, Ministry of Railways,
   New Delhi,

2. The General Manager, S.C.Railway,
   Secunderabad,

3. The Chief Commercial Manager,
   S.C.Railway, Secunderabad,

4. The Divisional Railway Manager,
   Guntakal Division, S.C.Railway,
   Guntakal. .. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.N.RAMA MOHAN RAO

COUNSEL FOR THE RESPONDENTS: Mr.N.R.DEVARAJ, Sr.CGSC

CORAM:

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

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

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ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

Heard Mr.N.Rama Mohan Rao, learned counsel for the applicants and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. Though this OA is not listed today, this OA has been summoned with the Consent of both parties as this case is related to the cases, OA 1017/94, 991/95, 712/95, which were disposed of today.

3. The facts of this OA are similar to the above referred three OAs.

4. There are 6 applicants in this OA. They submit that they have been working as Piece Rate Labour from 1976 onwards in the Transhipment Shed at Gooty. These Piece Rate Labourers now request permanent absorption in the Railways. They submit that the Supreme Court in SLP(C) No.4259/91 had directed that the petitioners numbering 185 in that proceedings should be absorbed by framing a scheme as was done in the case of the petitioners in SLP Nos.8148-8426/91. The petitioners in the later referred SLP belong to the Bangalore Division of the Southern Railway. It is further stated that a scheme has been framed and those workmen numbering 185 are being absorbed in accordance with the scheme.

5. The applicants herein pray that their case also may be dealt similar to the petitioners in SLP No.4259/91. They further submit that though they are not the petitioners in the above referred SLP, they are similarly placed as the petitioners in the SLP and hence they are also entitled to get the same relief as given by the Apex Court in the above referred SLP.

6. This OA is filed praying for direction to the respondents to frame a scheme for absorption of all the

piece rate labour of Transhipment Shed at Guntakal in terms of the order passed by the Supreme Court of India on 7.2.94 in SLP No.4259/91 and not to confine the same to those who are parties to the afore mentioned SLP.

7. The judgement of the Supreme Court is clear in that the judgement was restricted only to 185 petitioners in that SLP. However that does not prohibit the respondent-petitioners to extend that scheme even for the others if others are also similarly situated as that of the petitioners in SLP No.4259/91. But no direction can be given to straightway absorb the applicants herein on the basis of that scheme. Each case has to be considered on merits and the case should be compared with the petitioners in SLP No 4259/91 and if the applicants herein fully comply with the requirement as stipulated for the 185 petitioners in the SLP, then the case of the applicants herein also should be treated on the same footing as was ordered by the Supreme Court. However, we make it clear that the applicants herein who become eligible on the basis of the above check will take their position after the existing 185 petitioners are given the relief as ordered by the Supreme Court.

8. In view of the above, the following direction is given:-

The case of the applicants in this OA should be examined to see whether their cases are similar to the cases of 185 petitioners for whom a scheme has to be framed in pursuance of the direction in SLP 4259/91. If the cases

of the applicants herein or some of them among the applicants herein are found to be same as that of the 185 petitioners in SLP 4259/91, then such applicants also should be given the same relief as per the scheme formulated in pursuance of the direction given in the above referred SLP. The applicants who get the benefit of the scheme will be absorbed only after all the applicants in OA No.712/95 are absorbed.

7. The OA is ordered accordingly. No order as to costs.

(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)

(R.RANGARAJAN)
MEMBER (ADMN.)

DATED:-28th-February,-1997
Dictated in the open court.

vsn

O.A.NO. 1498/95

Copy to:

1. The Secretary to Govt, Railway Board, Min. of Railays, New Delhi.
2. The General Manager, South Central Railway, Secunderabad.
3. The Chief Commercial Manager, South Central Railway, Secunderabad.
4. The Divisional Railway Manager, Guntakal Division, South Central Railway, Guntakal.
5. One copy to Mr.N.Rama Mohan Rao, Advocate,CAT, Hyderabad.
6. One copy to Mr. N.R.Devraj, Sr, CGSC,CAT,Hyderabad.
7. One copy to D.R(A), CAT,Hyderabad.
8. One duplicate copy.

YLKR

25/4/97

TYPED BY | CHECKED BY

COMPARED BY | APPROVED BY

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: 28/2/97

ORDER/JUDGEMENT

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

O.A.NO.1498/95 in

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/~~REJECTED~~

NO ORDER AS TO COSTS.

II COURT

YLKR