

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1033/95.

Dt. of Decision : 20-10-95.

V. Seshagiri Rao

.. Applicant.

Vs

1. The Union of India, Rep.
by @the @@@General Manager,
SC Rly, Rail Nilayam,
Secunderabad.

2. The Divl. Railway Manager (Personnel)
SC Rly, Guntakal.

3. The Assistant Engineer,
Pakala, Guntakal.

.. Respondents.

Counsel for the Applicant

: Mr. N.Ramamohan Rao

Counsel for the Respondents

: Mr. J.R.Gopal Rao, SC for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

(20)

O.A.NO.1033/95.

JUDGMENT

Dt: 20.10.95

(AS PER HON'BLE SHRI A.B.GORTHI, MEMBER (ADMN.))

Heard Shri N.Ramamohan Rao, learned counsel for the applicant and Shri J.R.Gopal Rao, learned standing counsel for the respondents.

2. The applicant states that he was initially engaged as Casual Labour in the office of the Chief Inspector of Works, Tirupathi on 23.8.1976. Having served in that capacity for over three years, he was assigned approved pay scale of Rs.196-232 with effect from 21.9.79. Thereafter he continued to work till 28.2.84 when he fell sick.~~after~~ After his recovery on 25.5.84, when he reported to the authorities concerned with the certificate issued by a private Doctor, he was not taken back to work. His prayer in this OA is for a direction to the respondents to reengage him and to consider his case for grant of temporary status and his regularisation by including his name in the live register of 1984 Khalasis list.

3. Admittedly, the applicant has approached this Tribunal after a period of 10 years from the date of his disengagement. The said delay ~~has been~~ in coming to the Tribunal has been condoned, ^{but} and the applicant will not be entitled to claim ^{condonation} continuation of break in service by the competent Railway authority.

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Copy to

1. The Union of India, Rep. by the General Manager,
SC Rly, Rail Nilayam, Sec'bad.
2. The Divl. Rly. Manager (Personnel),
SC Rly, Guntakal.
3. The Assistant Engineer,
Pakala, Guntakal.
4. One copy to Mr. N. Ramamohan Rao, Advocate
CAT, Hyd.
5. One copy to Mr. J. R. Gopal Rao, SC for Rlys,
CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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4. In cases which were some what similar, we passed orders directing the respondents to consider reengagement of such persons as Casual Mazdoors keeping in view the long period of service they had already rendered as Casual Mazdoors in the department in preference to freshers. Accordingly this OA is disposed of at the admission stage itself after hearing the learned counsel for both the parties with the following directions to the respondents:-

(i) The case of the applicant will be considered for reengagement as soon as there is work and ⁱⁿ preference to freshers.

(ii) The applicant will not be entitled ^{to seek a} ~~for conti-~~
^{condonation} ~~duction~~ of break in service for the period of his disengagement till his reinstatement.

5. The OA is ordered accordingly. No costs.//

[Signature]
(A.B.GORTHY)
MEMBER (ADMN.)

[Signature]
(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 20th October, 1995.
Open court dictation.

vsn

[Signature]
Dn

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO
VICE CHAIRMAN

AND

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

DATED: 20 - 10 - 1995

~~ORDER~~ JUDGMENT

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

in

O.A.No. 1033/95

T.A.No.

(W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed. *at the admission stage.*

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

