

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.262 of 1995

DATE OF ORDER: -14th August, 1996

BETWEEN:

1. N.POCHAIAH,
2. K.RAMULU.. .. Applicants

and

1. The Divisional Railway Manager,
South Central Railway,
Secunderabad,

2. The Divisional Railway Manager (Personnel),
S.C.Railway, Hyderabad Division,
Secunderabad,

3. The Carriage & Wagon Superintendent,
C&W, MG, S.C.Railway,
Secunderabad. .. Respondents

COUNSEL FOR THE APPLICANT: SHRI S.LAKSHMA REDDY

COUNSEL FOR THE RESPONDENTS: SHRI CV MALLA REDDY, ADDL.CGSC

CORAM:

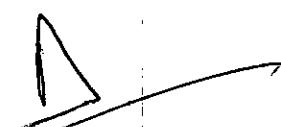
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

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

Heard Shri P.M.Srinivasa Rao for Shri S.Lakshma Reddy, learned counsel for the applicants and Shri C.V.Malla Reddy, learned standing counsel for the respondents.

2. There are two applicants in this OA. While they were working as Shed Mukhaddam holding the supervisory



post in the Steam Locoshed (MG) in Hyderabad Division, they were posted as Ticket checking staff as they were rendered surplus. Subsequently as they were not found fit to perform that duty, they were posted under R-3 in the Carriage & Wagon Workshop at Secunderabad. Subsequently they were shifted to Secunderabad Division ^{and} attached to the Electrical Locoshed, Lallaguda. They were further directed to perform the duties as breakdown staff and they were performing those duties from 16.11.94.

3. The applicants state that they are 56 and 53 years old and hence they are not able to perform the strenuous duties attached to the breakdown staff. They pray for a posting wherein manual labour involved will not be that much as compared to Group 'D' staff in the grade of Rs.880-1150 who are working as break down staff.

4. This OA is filed praying for a direction to the respondents to continue them as Shed Mukhaddams at Lallaguda C & W Office or in any other suitable posts.

5. The respondents have filed reply. In that they state that the applicants are working as break down staff and they were not asked to climb electrical poles and they are given light duties and hence they are not over strained. Further, they also submit that they cannot come back to the Locoshed as the Locoshed is closed. As the applicants are not asked to discharge the strenuous duties, they have no case to ask for the relief ^{as} prayed for

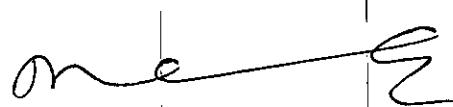


in this OA.

6. The first applicant retired from service on 28.2.96. Hence this case has become infructuous as far as the first applicant is concerned. The second applicant is due for retirement on 30.6.97 i.e., about 10 months is left for the second applicant to be engaged by the Indian Railways to engage him even as break down staff on light duties without asking him to climb electrical poles and other strenuous duties. The learned standing counsel for the respondents submitted that the duties even now given to him is of light nature and he is not asked to perform strenuous duties such as climbing of poles etc. He further assures that the second applicant will be asked to discharge only light duties even while working as break down staff.

7. In view of the above submissions of the learned standing counsel for the respondents, there appears to be no need to give any further direction in this OA. However, as a measure of abundant caution, the respondent-authorities are directed to engage the second applicant only in the light duties even if he is posted in the break down squad.

8. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 14th August, 1996
Open court dictation.

vsn


Dyn. Registrar (T)
Cartd.

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O.A.NO.262/95

Copy to:

1. The Divisional Railway Manager,
South Central Railway,
Secunderabad.
2. The Divisional Railway Manager(Personnel),
South Central Railway, Hyderabad Division,
Secunderabad.
3. The Carriage and Wagon Superintendent,
C & W, MG, South Central Railway,
Secunderabad.
4. One copy to Mr.S.Lakshma Reddy, Advocate,
CAT, Hyderabad.
5. One copy to Mr.C.V.Malla Reddy, Addl.CGSC, CAT, Hyderabad.
6. One copy to Library,CAT, Hyderabad.
7. One duplicate copy.

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O.A 262/95

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COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

DATED: 14-8-96

ORDER/JUDGEMENT
O.A. NO./R.A./C.P. No.

in
O.A. No. 262/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLEGED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

DEEPAK

28 AUG 1996 *Nay*

हैदराबाद न्यायालय
HYDERABAD BENCH