

(93)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.28 of 1995.

Between

Dated: 17.2.1995.

1. R.Sree Ramachandra Prasad.
2. K.Nagendra.
3. S.Latheef.
4. F.Ary Amruth Raj.
5. S.Muskin Vali.
6. G.Ravi Kumar.

... Applicants

Vs.

1. Union of India represented by General Manager, South Central Railway, Rail Nilayam, Secunderabad.

2. Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. Divisional Railway Manager, South Central Railway, Guntakal Division, Guntakal.

... Respondents

Counsel for the Applicants

: Sri. T. Panduranga Chary

Counsel for the Respondents

: Sri. D.Francis Paul, SC For Rlys

CORAM:

HON'BLE MR. A.V.HARIDASAN, JUDICIAL MEMBER

HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER

Contd:...2/-

... 2 ...

O.A.No. 28/95Date of Order: 17.2.95

X As per Hon'ble Shri A.B.GORTHI, Member (Admn.) X

Heard Mr. T.Pandu Ranga Chary, learned counsel for the applicant.

2. The claim of the applicants is for a place in the live register for casual labour and to absorb them in the regular posts of Class IV with consequential benefits.

3. The applicants states that they were all engaged as casual labour even prior to 1.1.81 and continued as such ~~even~~ thereafter with certain intermittent breaks. The last assignment given to them as casual labour was from 22.10.84 to 16.1.85. Thereafter they were ~~disengaged~~ of the General Manager was obtained for their engagement as casual labour.

4. In support of their contention that they were engaged and worked as casual labour prior to 1984 they furnished copies of casual labour cards given to them by the department. From the correspondence attached as annexures 2, 3 and 4 to the OA it would be more than evident that the genuineness of the casual labour cards of the applicants was verified and found to be correct. Despite the respondents probing into the correctness or otherwise of the casual labour cards and despite ^{for} coming to a conclusion, the applicants did

work ~~was~~ casual labour in the past, no action has been taken to consider the cases of the applicants for re-engagement as casual labour.

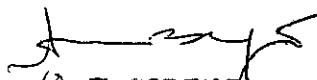
5. When the application came up for admission respondents were given notice as to why the OA should not be admitted. Despite sufficient time and opportunity having been given, the respondents took no action in the matter. Consequently neither there is any reply filed nor even a memo of appearance from the respondents counsel on the record.

6. In view of the above we deem it just and proper to admit this OA and direct the respondents as under:-

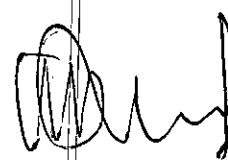
- (1) The names of the applicants in the live casual labour register at an appropriate place keeping in view the number of days ~~of work~~ for which they ~~are~~ worked in the past. ^{The} ~~will be~~ position of casual labour register ^{will be} intimated to them within one month.
- (2) The applicants will be considered for re-engagement as casual labour as and when there is work in preference to freshers and those who had rendered lesser number of days of service than the applicants. For this purpose no casual labour need be retrenched.
- (3) The case of the applicants for grant of temporary status and regularisation shall be considered by the respondents in accordance with the extant scheme/instructions.

.. 4 ..

5. O.A. is ordered accordingly without any order as to costs.



(A.B.GORTHI)
(Member (Admn.))



(A.V.HARIDASAN)
Member (Jud1.)

Dated: 17th February, 1995

(Dictated in Open Court)

sd

MR/167
Deputy Registrar (J)

Copy to:-

1. General Manager, South Central Railway, Union of India, Rail Nilayam, Secunderabad.
2. Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. Divisional Railway Manager, South Central Railway, Guntakal Division, Guntakal.
4. One copy to Sri. T.Panduranga Chary, advocate, 1-9-53/1, Ramnagar, Hyd-048.
5. One copy to Sri. D.Francis Paul, SC for Railways, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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Rsm/-

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CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(D)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

DATED :

17/2/95

ORDER/JUDGEMENT.

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

O.A.NG.

28/95

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

No spare copy YLKR

