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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
HYDERABAD

OA 334/95

Dated 19-6-95

Between

1. Bakatam Sanjeeva s/o Ramaiah
aged about 38 years
2. S. Kistaiah, s/o Malbaiah
aged about 36 years
3. G. Buchaiah s/o Pentaiah
aged about 34 years
4. P. Anjaiah, s/o Venkataiah,
aged about 36 years
5. K. Nadagiri s/o Sixapathy
aged about 37 years
6. M. Yadaiah s/o Pentaiah
aged about 37 years
7. Madvani Narayana s/o Ramuloo
aged about 43 years
8. Mysaiah s/o Iylaiah
aged about 38 years
9. G. Venkataiah, s/o Komaraiah
aged about 30 years
10. Onguri Yadaiah s/o Rajaiah
aged about 36 years
11. G. Ramuloo s/o Mallaiah
aged about 40 years
12. Narai Reddy s/o Sathi Reddy
aged about 34 years
13. K. Narasimha s/o Pentaiah
aged about 31 years
14. Malla Reddy s/o Bal Reddy
aged about 45 years
15. G. Laxmaiah s/o Gandaiah
aged about 36 years
16. K. Iylaiah s/o Bheeraiah
aged about 36 years
17. Kotta Venkatiah s/o Narasimha
aged about 45 years
18. Aruri Iyslaiah s/o Iylaiah,
aged about 42 years
19. C. Yadagiri s/o Narasimha
aged about 35 years
20. B. Mallesh s/o Bakkaiah,
aged about 36 years.
21. K. Chandraiah, s/o Rajaiah
aged about 43 years
22. M. Pochaiah s/o Gopaiah
aged about 33 years
23. Kumara Swamy s/o Ramaswamy
aged about 33 years
24. Ramachander s/o Mallaiah
aged about 33 years
25. Saraiah s/o Latchaiah,
aged about 34 years
26. P. Saty Narayana s/o Mallaiah
aged about 35 years
27. Kondri Chandrai h s/o Laxmaiah
aged about 34 years

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28. Kora Pentaiah s/o Sivaiah
aged about 34 years
29. Yadagiri s/o Papaiah
aged about 44 years
30. Sudarshan s/o Yadaiah
aged about 35 years
31. B. Shankaraiah s/o Ramaiah
aged about 35 years
32. Sandela Shandraiah s/o Narasaiah
aged about 37 years
33. A. Yadaiah s/o Mallaiah,
aged about 34 years
34. M. Venkataiah s/o Pentaiah
aged about 36 years
35. Rasala Pochaiah s/o Mallaiah
aged about 34 years
36. Dattari Gandaiah s/o Pochaiah
aged about 34 years
37. G. Laxmaiah s/o Kondaiah
aged about 35 years
38. Aruri Sammaiah s/o Iylaiah,
aged about 40 years
39. Sadanavoli Venkataiah s/o Ellaiah,
aged about 39 years
40. M. Pochaiah s/o Ellaiah
aged about 38 years
41. A. Mallaiah s/o Chandraiah
aged about 36 years.

ALL the applicants re working as
Gangmen in PWI(C) I Deptt. South
Central Railway, Secunderabad.

And

1. General Manager,
South Central Railway
Rail Nilayam, Secunderabad.
2. Chief Administrative Officer (Construction-I)
South Central Railway,
D.R.M. Compound, Secunderabad.
3. Divisional Railway Manager (P)
Secunderabad Division (BG)
South Central Railway, Secunderabad
4. Divisional Engineer (Construction-I),
South Central Railway,
Sanchalan Bhavan, Secunderabad.
5. Senior Divisional Engineer (Construction),
Secunderabad Division (BG)
South Central Railway,
Secunderabad.
6. Chief Permanent Way Inspector,
South Central Railway,
Boiguda, Secunderabad

Respondents.

Counsel for the applicant: Shri P. Krishna Reddy

Counsel for the Respondents: D. Gopal Rao

Coram

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman
Hon'ble Shri R. Rangarajan, Member(Admn.)

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I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

J U D G E M E N T S

Leave
Heard both the counsels.

These 2 O.As can be disposed of by a common order as the same points arose for consideration in these 2 O.As.

2. All the applicants in these 2 O.As are construction casual labourers (Gangmen) working in the Sanatnagar-Moulali by-pass line. As the construction work is over, the same is ~~said to~~ ^{rought} have been handed over to maintenance by the Construction department. These O.As are filed praying for a direction to the Respondents to absorb the applicants on regular basis and retain them in Sanatnagar-Moulali by pass line. // para 17.4.(a) of Railway Board's letters No. E(NG)/II/84/CL/92 dated 15-12-84 and E(NG)/84/CL/5 dated 22.6.90 laysdown that "Casual labour employed in projects as a rule, be considered for appointment on a regular basis against vacancies in Group D posts required for operation and maintenance of new assets created viz. new lines, conversions etc.... These posts should be filled exclusively from Casual labour who have worked at the project". It is also stated therein that if there are open line casual labourers in the area covered by the local recruitment units of the Inspector who have worked for longer periods than the casual labour, then such casual labour in the open line have to be preferred.

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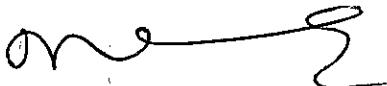
3. It is stated for the Respondents that the posts for maintenance of Sanatnagar-Moulali by-pass line are not yet sanctioned. Even then when it is necessary to maintain the lines after they are handed over to the open line, it is just and proper to direct the Respondents to prepare the seniority list of the casual labourers (Gangmen, construction) in accordance with rules/instructions for being absorbed as and when the posts of Gangmen for maintenance of Sanatnagar-Moulali by-pass line are sanctioned.

4. But it is submitted for the Respondents that the number of Gangmen required for maintenance of this Sanatnagar-Moulali by-pass line are far less than the number of applicants. In such a case, it is open to the Respondents to prepare seniority list from amongst these applicants and retain such of the applicants that are required for maintenance of this line, on the basis of their seniority and deploy the rest in accordance with rules/instructions. As and when the seniority of the casual labour (Gangmen, construction) is prepared in accordance with the rules/instructions for absorption as Gangmen in this project (Sanatnagar-Moulali by-pass line), or the project, if it is part of larger project, the copy of the seniority list has to be communicated to the applicants to enable them to challenge the same if they have any objections. After considering their representations if any in regard to the same, the Respondents are free to finalise that seniority list and as and when the casual labour from amongst those in the seniority list are posted for maintenance

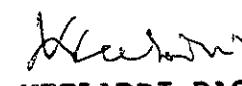
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of this by-pass line, such of those applicants who are going to be retained as per this order may be replaced by observing rule of juniority. It is needless to say that if the applicants or such of those applicants who are going to be aggrieved by the final seniority list of Gangmen to be absorbed for maintenance of this line, they are free to move this Tribunal under Section 19 of the A.T Act.

6. Both the O.As are ordered accordingly. No costs. /

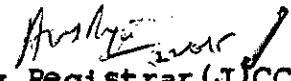


(R. RANGARAJAN)
Member(Admn.)



(V. NEELADRI RAO)
Vice-Chairman

Dated the 19-6-95
Open Court dictation


Deputy Registrar (J)CC

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To

1. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
2. The Chief Administrative Officer(Construction-I) S.C.Rly, D.R.M.Compound, Secunderabad.
3. The Divisional Railway Manager(P) Secunderabad Divison (BG) S.C.Rly, Secunderabad.
4. The Divisional Engineer(Construction-I) S.C.Rly, Sanchalan Bhavan, Secunderabad.
5. The Senior Divisional Engineer(Construction) Secunderabad Division (BG) S.C.Rly, Secunderabad.
6. The Chief Permanent Way Inspector, S.C.Rly, Boiguda, Secunderabad.
7. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
8. One copy to Mr.D.Gopal Rao, SC for Rlys, CAT.Hyd.
9. One copy to Library, CAT.Hyd.
10. One spare copy.

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22/6/95

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN)

DATED 19/6 1995.

ORDER/JUDGMENT:

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

OA.No. 288/95 & 334/95
TA.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No Space Copy

Central Administrative Tribunal
DESPATCH

23 JUN 1995 NSW

HYDERABAD BENCH.