

(238)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA. 401/95

Date of decision: 28-4-95

Between

1. T.Anjaiah	36. G.Narasimha
2. M.Satthaiah	37. Pentaiah
3. N.Balanarasimha	38. Beerumallaiah
4. M.Narasimha	39. G.Anjaiah
5. M.Uppalaiah	40. Maraiah
6. E.Narasimha	41. K.Rangaiah
7. Yadaiah	42. C.Balaih
8. B.Bakkaiah	43. Ramulu
9. Somaiah	44. D.Bikshapathi
10. K.Ramaiah	45. M.Yadagiri
11. G.Rajaiah	46. L.Gandaiah
12. N.Yadaiah	47. B.Balaiah
13. Bikshapathi	48. Allauddin
14. Bikshapathi	49. N.Narasimha
15. M.Komaraiah	50. Addrilaiah
16. G.Istari	51. Muttaiah
17. D.Narasimha	52. K.Shankaraiah
18. Bikshapathi	53. Rajaiah
19. Narasaiah	54. M.Pochaiah
20. E.Swamy	55. Kistaiah
21. S.Yadagiri	56. Basavaiah.M
22. Yadaiah	57. M.Yadaiah
23. Narasimha	58. M.Sathaiah
24. G.Janaiah	59. Buchamma
25. Chinna Narasaiah	60. Kistamma
26. Pandu	61. Kistamma
27. Yellareddy	62. Jamanamma
28. Satthaiah	63. Eramma
29. M.Shanker	64. Saiamma
30. Chukkaiah	65. Mattamma
31. A.Ashaiah	66. Shankaramma
32. Kumaraswamy	67. Buchamma
33. M.Jammaiah	68. E.Venkataiah
34. Balaiah	69. T.Brahmachary
35. Anjaiah	70. Devareddy
	71. Ramulu      ... Applicant

AND

1. The Union of India, Rep. by the General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Deputy Chief Engineer, (Construction), Central/Secunderabad, S.C.Rly, Vikarabad.
3. The Chief Personnel Officer, S.C.Rly, Secunderabad.
4. The Chief Administrative Officer (Construction) South Central Railway, Secunderabad.      ... Responder

Counsel for the applicants : U.Pattabhi Ramaiah, Advocate

Counsel for the respondents : J.R.Gopal Rao, SC for Rlys.

CORAM:

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

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O.A.NO.401/95.

JUDGMENT

Dt:28.4.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri V.Pattabhi Ramaiah, learned counsel for the applicants and Shri J.R.Gopal Rao, learned standing counsel for the respondents.

2. All these applicants were engaged as casual labour for Engineering Construction Project in Secunderabad Division. These applicants were deployed to Hospet in Guntakal Division for working in Gauge conversion work. It is stated for the respondents that these applicants worked as casual labour in doubling project work between Tandur-Malkhaid Road section and the same was handed over to the open line in November 1994 after the work was ~~was~~ over and hence they along with the others were found surplus and it had become necessary to redeploy them to other divisions.

3. The contentions for the applicants as as under:-

(i) The impugned order whereby these applicants were deployed to other divisions is illegal, for while deploying them to other divisions, their juniors are allowed to continue in SC division.

(ii) They have to be absorbed in the post, to be created in view of the new asset ie., new doubling

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line between Vikarabad-Malkhaid or other new asset created in the division and hence without consideration of their case for such absorption, they cannot be deployed to Hubli-Hospex in Guntakal Division.

4. It is stated for the respondents that as the entire doubling project work between Tandur-Malkhaid was over, and the casual labour worked in the said unit were found surplus and hence it has become necessary to deploy all of them and hence the question of retaining any junior casual labour worked in this unit had not arisen. It is further stated for the respondents that the ~~maxx~~ casual labour in the project work in the engineering side in this division will be absorbed in the new posts to be created on account of the new assets and also in 1/3rd of the vacancies in the Open Line.

5. It is not in controversy that the seniority unit for casual labour engaged in the projects engineering side is the division and not ~~the~~ the unit in the division. In para-3 of the ~~Maxx~~ Circular No.P(E)407/Project/CL, dated 23.4.1987 it is stated that, "it has become mandatory to adopt Divisional seniority for "project Casual Labour" for purposes of engagement and retrenchment and to give up the existing practice of Divisional Engineer/Construction seniority unit".

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In fact, it is <sup>even</sup> stated for the respondents that the divisional seniority is being prepared for the casual labour working in the project on the engineering side.

6. In such <sup>c</sup>ase, the principle of 'last <sup>15</sup> come, first <sup>15</sup> go' has to be followed <sup>for purpose</sup> in <sup>c</sup>ase of retrenchment and hence unless the junior in the seniority unit is retrenched, senior in the seniority unit cannot be retrenched on the ground of ~~x~~ surplus. We feel that the same principle has to be followed <sup>c</sup>ase of deployment from one division to another when that deployment is necessary on the ground of surplus in the division. The deployment, in case of surplus, is being resorted to instead of retrenchment on compassionate grounds and also for utilising the services of the experienced employees. So, we do not find any reason as to whey the rule ~~is~~ different from the rule adopted in case of retrenchment has to be followed in case of deployment, when such redeployment is found necessary on the ground of surplus in one division.

7. So, this OA is disposed of as under:-

It is open to the respondents to address the casual labour in this seniority unit as to whether any of them is interested in going to Hospet/Hubli. If such of those who are interested in going to Hospet/Hubli by keeping lien in this Secunderabad

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Division,  
~~the concerned unit~~, they can be sent to the respective  
~~Divisions~~ units, to the extent ~~as~~ their deployment is necessary.  
 If there are no volunteers or if such volunteers are  
 less than the numbers to be deployed from SC ~~unit~~, the  
 deployment has to be made from junior most in the  
 seniority unit to the extent ~~as~~ deployment is nece-  
 ssary. If on that basis, all these or some of these  
 applicants need not be deployed from SC division, they  
 can be posted in place of those casual labour who have  
 to be deployed from the seniority unit by following the  
 principle referred to herein, or it is open to the  
 concerned authority to post these applicants or such  
 of the applicants who need not be deployed, in any  
 unit in SC division. There need not be any direction  
 in regard to the absorption to the post to be created  
 on the basis of the new assets or <sup>in</sup> any 1/3rd vacancies  
 on Open Line as the concerned authority stated that  
 the extant rules will be followed in regard to the  
 same.

8. The OA is ordered as referred to in para-7  
 above. No costs. /

~~~~~  
 (R. RANGARAJAN)  
 MEMBER (ADMN.)

Neeladri  
 (V. NEELADRI RAO)  
 VICE CHAIRMAN

DATED: 28th April, 1995.  
 Open court dictation.

*Arulraj*  
 4-5-95  
 Deputy Registrar (S).

TYPED BY  
COMPARED BY

IN THE CENTRAL ADMINIS  
HYDERABAD BENCH AT H

THE HON'BLE MR.JUSTICE V.NEE LADRI  
VICE- CHAIRMAN

AND

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

DATED - 28-4-1995.

ORDER/JUDGMENT:

M. A. / R. A. / C. A. NO.

O. A. NO.

in  
401/95

T. A. 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.

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