

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A. NO. 495/95.

DATE OF JUDGMENT: 26-04-95.

BETWEEN:

1. M. Komariah
2. T. Prabhakar

.. Applicants.

AND

1. The Union of India,
Rep. by the General Manager,
SC Rly, Rail Nilayam,
Secunderabad.
2. The Dy. Chief Engineer(Construction),
Central/Secunderabad,
SC Rly, Vikarabad.
3. The Chief Personnel Officer,
SCRly, Secunderabad.
4. The Chief Admn. Officer(Construction)
SC Rly, Secunderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI U. Pattabhi Ramaiah,

COUNSEL FOR THE RESPONDENTS: SHRI J.R. Gopala Rao, SC for Rlys.
Sx:/Advt. 2280x

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.)

CONTD. 2..

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JUDGMENT

X as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri U.Pattabhi Remaiah, learned counsel for the applicants and Sri J.R.Gopala Rao, learned Standing Counsel for the respondents.

2. The applicants numbering two herein had worked as Casual Labourers between Tandur-Malkhaid Road of Hyderabad-Vikarabad Section under the control of 2nd respondent.

3. The applicants herein were engaged as Casual Labourers for Engineering Construction project in Sec'bad Division and in the last sepll they worked in Doubling Project work between Tandur-Malkhaid Road of Hyderabad - Vikarabad Section. On account of the above said doubling project having been completed they were made surplus and were proposed to be redeployed at Hubli. The redeployment order is challenged in this OA.

4. The contentions of the applicants are 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 i.e. new doubling-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 Division.

5. OA No.401/95 was filed before this Tribunal and the same was heard and disposed of by us. In that OA also

the applicants therein were surplus casual labourers having been rendered surplus due to the Doubling Project between Tandur-Malkhaid Road, having been completed. The contentions of the applicants in that OA are same as that of the contentions of the applicants in this OA as stated above.

6. In OA 401/95 which was decided on 28.4.1995, we have held that only the junior in the seniority list of project casual labourers in the Secunderabad Division has to be redeployed and the applicants if they are senior, have to be retained while those juniors are sent to Hospet. As the applicants in this OA are similarly situate, we give the same direction as was given in OA 401/95.

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 Hubli. If such of those who are interested in going to Hubli by keeping lien in the Secunderabad division, they can be sent to the respective divisions to the extent their deployment is necessary. If there are no volunteers or if such volunteers are less than the number to be deployed from SC division, the deployment has to be made from junior-most in the seniority unit to the extent the deployment is necessary. 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

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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 in 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 above at the admission stage itself. No costs. /

R. Rangarajan
(R. Rangarajan)
Member (Admin.)

V. Neeladri Rao
(V. Neeladri Rao)
Vice Chairman

Dated 28th April, 1995.
Open court dictation.

Grh.

Anil 15580
DEPUTY REGISTRAR (J)

To

1. The General Manager, Union of India, South Central Railway, Railnilayam, Secunderabad.
2. The Dy. Chief Engineer (Construction), Central/Secunderabad, South Central Railway, Vikarabad.
3. The Chief Personnel Officer, South Central Railway, Secunderabad.
4. The Chief Administrative Officer, (Construction), South Central Railway, Secunderabad.
5. One copy to Mr. U. Pattabhi Ramaiah, 81-1-526, Sri Sai Datta Apartments, Ground Floor, Iqbal Manzil, Golconda, 'X' Roads, Hyderabad-380.
6. One copy to Mr. J. R. Gopal Rao, Addl. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

YLKR

CA. 495/95

TYPED BY
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COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

V. Neeladri Rao.
THE HON'BLE SHRI A.V. HARIDASAN: MEMBER(S)

AND

R. Rangarajan.
THE HON'BLE SHRI A.B. GORTHI: MEMBER (A)

DATED 28.4.95

ORDER/JUDGMENT

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

in

D.A. NO. 495/95

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

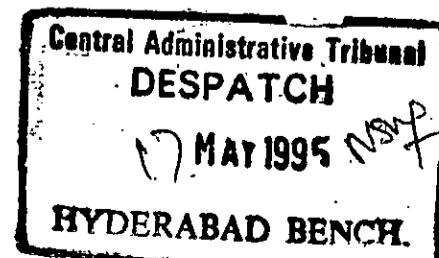
Dismissed for default

Rejected/Ordered.

No order as to costs.

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