

(14)

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

O.A.NO. 521/95.

DATE OF JUDGMENT: 28-04-95.

BETWEEN:

Istari

.. Applicant.

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,
SC Rly, Secunderabad.
4. The Chief Admn. Officer (Construction),
SC Rly, Secunderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI U.P. Ramaiah

COUNSEL FOR THE RESPONDENTS: SHRI J.R.Gopal Rao, SC for Rlys.
Sr./Addl. CGSC
**/XXXXXXXXX

CORAM:

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

CONTD. 2..

OA No.521/95

JUDGEMENT

(As per Hon'ble Sri R. Rangarajan, Member (A))

Heard Sri U.P. Ramaiah, learned counsel for the applicant and Sri J.R. Gopal Rao, learned counsel for the respondents.

2. The applicant herein who worked as Casual Labour between Tandur-Malkad Road of Hyderabad-Vikarabad Section under the control of 2nd respondent.

3. The applicant was engaged as Casual Labour for Engg. Construction Project in Secunderabad Division and in the last spell he worked in Doubling Project work between Tandur-Malkhad Road of Hyderabad-Vikarabad Section. On account of the above said Doubling Project having been completed, he was made surplus and was proposed to redeployed at Hospet. The redeployment order is challenged in this O.A.

4. The contention of the applicant is as under:

(i) The impugned order whereby the applicant was deployed to other divisions is illegal, for while deploying him to other divisions, his juniors are allowed to continue in SC Division.

(ii) He has to be absorbed in the post to be created in view of the new asset i.e. new doubling-line between Vikarabad-Malkhad or other new asset created in the division and hence without consideration of his case for such absorption, he cannot be deployed to Hospet Division.

D

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-Malkhad Road, having been completed. The contentions of the applicant herein is same as that of the contentions of the applicant 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 SC 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 applicant in this OA is similarly situated, we give the same direction as was given in OA 401/95.

7. This OA is disposed of as under:-

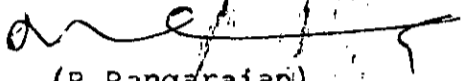
It is open to the respondents to address the casual labour in this seniority division as to whether any of them is interested in going to Hospet. If, such of those who are interested in going to Hospet by keeping lien in the Secunderabad division, they can be sent to the respective units to the extent their deployment is necessary. If there are no volunteers, or if such volunteers are less than the number to be deployed from Secunderabad 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, the applicant need not be deployed from SC division, he can be posted in place of those casual labour who have to be deployed from the seniority unit by following the principle referred to

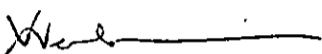
17

: 4 :

herein, or it is open to the concerned authority to post the applicant herein 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 1/300 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)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 28th April, 1995.
open court dictation.


Grh


DEPUTY REGISTRAR(J)

- To
1. The General Manager, Union of India, South Central Railway, Railnilayam, Secunderabad.
 2. The Deputy Chief Engineer, (Construction), Central/ Secunderabad, South Central Railway, Secunderabad.
 3. The Chief Personnel Officer, South Central Railway, Vikarabad.
 4. The Chief Admn. Officer, (Construction), South Central Railway, Secunderabad.
 5. One copy to Mr. U. Pattabhi Ramiah, Advocate, 1-1-526, Sri Datta Datta Apartments, Iqbal Manzil, Ground Floor, 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

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

V. Veeladri Rao, V.C.
THE HON'BLE SHRI ~~A.V. HARIJASAN~~ MEMBER (3)

AND

R. Rangarajan,
THE HON'BLE SHRI ~~A.B. GORTHI~~ MEMBER (1)

DATED 28.4.95

ORDER/JUDGMENT

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

in

O.A.NO. 521/95

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

YLKR

