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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A. 523/95.

Dt. of Decision : 12-12-95.

Bitcha Nandia

.. Applicant.

Vs

1. The Sr.Divl. Engineer(Co@ordination)
SC Rly, Sec'bad(BG)Division,
Sanchalan Bhawan, Sec'bad-500 371.
2. The Asst.Engineer,
SC Rly, Dornakal-506 381.
3. The Sr.Divl. Personnel Officer,
SC Rly, Sec'bad(BG)Division,
Sanchalan Bhawan, Sec'bad-500 371.
4. The Permanent Way Inspector,
SC Rly, Dornakal-506 381.

.. Respondents.

Counsel for the Applicant : Mr. J.Lalitha Prasad

Counsel for the Respondents : Mr. D.Gopal Rao, SC for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

Dt. of Order: 12-12-95.

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OA 523/95.

(Order passed by Hon'ble Shri R.Rangarajan, Member (A)).

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The applicant was engaged as a Casual Labourer Gangman under Permanent Way Inspector, S.C.Railway, Mornakal (Respondent No.4) on 23-9-82. He worked for 890 days under ~~various~~ various spells as indicated in para-~~VI~~ at page 2 of the O.A.

2. The applicant belongs to ST (Lambada) Community. It is also stated that his name ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ appears at the Sl.No.181 of the live register maintained by the Respondent No.4.

3. In the year 1992 he was dis-engaged because of the allegation that his LTI ~~print~~ on the Casual Card does not tally with ~~his~~ actual finger print in the live register. However, after verification, he was re-engaged as seasonal water carrier in the year 1993 and after the season is over he was dis-engaged on 1-7-93. He was not re-engaged later.

4. This O.A. is filed praying for a direction to the Respondents to re-engage the applicant as Casual Labourer Gangmen under Respondent No.4 as his juniors are continuing in service and to treat the applicant's service as continuous as the stoppage of his service is illegal, arbitrary and unconstitutional.

5. It is admitted that his name is in the live register at Sl. No.181. ~~Whether~~ his juniors are ~~re-engaged~~ or not

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and hence have to be
is not verified/a conditional direction may/be given to re-
engage him if his juniors in the live register are re-engaged
provided his name is in the live register.

6. In the result, the following direction is given :-

"The applicant ~~shall~~ be re-engaged if there
is work provided his name is in the live re-
gister and his juniors in the live register
~~are~~ re-engaged under Respondent No.4. If he
is going to be re-engaged under Respondent
No.4 in pursuance of the direction given above,
none who is already in the Casual Service would
be retrenched".

7. The O.A. is ordered accordingly. No costs. //

M

(R.RANGARAJAN)
Member (A)

V.Neeladri Rao

(V.NEELADRI RAO)
Vice-Chairman

Dated: 12th December, 1995.
Dictated in Open Court.

Avly
Dy. Registrar (Jud1)

avly/

Copy to:-

1. The Sr.Divl.Engineer(Co-ordination),
South Central Railways, Secunderabad(BG)Division,
Sanchalan Bhavan, Secunderabad-500 371.
2. The Asst.Engineer, South Central Railways,
Dornakal-506 381.
3. The Senior Divl.Personnel Officer,
South Central Railways, Secunderabad(BG), Division,
Sanchalan Bhavan, Secunderabad-500 371.
4. The Permanent Way Inspector, South Central
Railway, Dornakal-506 381.
5. One copy to Mr.J.Lalitha Prasad, 17-9, Jyoti Nagar,
Lallaguda, Secunderabad-500 017.
6. One copy to Mr.D.Gopal Rao, SC for Rlys, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

kku.

OA. V23/95

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

and

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

DATED: - 12-12-1995.

ORDER/JUDGMENT.

M.A./R.A/G.A.No.

in

O.A.No. V23/95

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected: According to
No order as to costs.

pvm.

No Spare Copy

Central Administrative Tribunal
HYDERABAD BENCH

- 4 JAN 1996

HYDERABAD BENCH