

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NOS. 1073 ^{with} 1074 & 1075 of 1996

DATE OF ORDER : 11-09-1996 .

Between :-

1. A.Lakshmana Narasimha Rao (OA 1073/96)
2. M.Jagadeshwaran (OA 1074/96)
3. D.Mohan Kumar (OA 1075/96)

... Applicants

And

1. Union of India, rep. by
General Manager, S.C.Railway,
Rail Nilayam, Secunderabad.
2. Chief Personnel Manager,
S.C.Railway, Rail Nilayam,
Sec'bad.
3. Divisional Railway Manager,
S.C.Railway, Guntakal Division,
Guntakal.

... Respondents

Counsel for the Applicants : Shri T.Pandu Ranga Chary

Counsel for the Respondents : Shri N.R.Devaraj, SC for Rlys

CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

(Orders per Hon'ble Justice Shri M.G.Chaudhari,
Vice-Chairman).

Shri T.Pandu Ranga Chary for the applicant (in all
the 3 cases). Shri N.R.Devaraj, senior standing counsel for
the respondents (in all the OAs). The 3 applicants in the

above OAs are casual labourers mentioned in the letter of the General Secretary vide Annexure-II in OA 1072/96 and also are covered by our observations relating to the four persons whose cases we have directed the Divisional Railway Manager, Guntakal to re-examine in the light of our observations in order passed in OA 1072/96 decided on 9-9-96 in respect of Y. Abdul saleem who is also one amongst the persons mentioned in Annexure-II.

3. All the three applicants claim inclusion of their names in the live register of Casual Labourers and seek absorption in the regular Class-IV post with consequential benefits. These applicants claim that they had been engaged in the past prior to 1984 and they were wrongly dis-engaged after 1985. Hence that action is liable to be set aside and the relief as prayed ^{for live} granted to them.

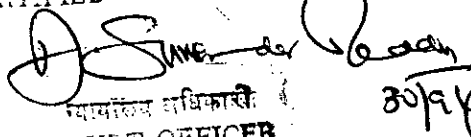
4. The claim of the applicant in OA 1072/96 was identical and after hearing both the sides although we ^{found} find that there were neither legal grounds nor sufficient grounds to overlook the delay and laches on the part of the applicant in approaching the Tribunal, yet having regard to an earlier decision of the Tribunal in OA 28/95 and looking to the circumstances that only four other persons ^{apart} from the applicant had remained to be engaged from out of the eleven labourers mentioned in Annexure-II to the said O.A. and having regard to the letter of the Chief Personnel Officer dt. 21-9-92, ^{directed that} the General Manager, South Central Railway may look into the matter and consider whether record of the applicant being found genuine on verification about his ~~work~~ work in the past, it may be considered whether if

it was possible to grant relief to him. While doing so, we may also like to indicate that it will be advisable for the authorities to examine and process the cases of the four other persons in order to avoid further litigation and had made it clear that the observations were made for the benefit of the authorities concerned and that these will receive due attention although these were not made as a direction on merits or part of the order. These observations cover the present applicants and therefore we do not consider it necessary to keep these cases pending. Hence we pass the following orders :-

" The OAs are admitted. Notice waived by Shri W.Satyanarayana on behalf of Shri N.R.Devaraj, Senior standing counsel for the Respondents. The OAs are disposed-of in terms of the observations contained in para-4 of the order on CA 1072/96 dt.9-9-96. The Respondents shall in this case act in accordance with the said observations. A copy of the order in CA 1072/96 shall be made part of this order while issuing the Certified Copy of this order to the authorities."

5. The Original Applications are disposed of. No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY


न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH
30/9/96