

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

0.A.No.1353/1996.

Date of decision: 17th March, 1999.

Parties:

1. V.Vithal Rao.
2. B.Rama Krishna Nair.
3. N.Vijayakumar.
4. B.Nagaiah.
5. D.Ramaswamy,
6. B.Nagabhushanam.
7. D.Vali.
8. B.Thimmappa.

.. .. Applicants.

Andx

1. The Union of India represented by the General Manager, S.C.Railway, Rail Nilayam, Secunderabad.

2. The Chief Personnel Officer, S.C.Railway, Secunderabad.

3. The Divisional Railway Manager (Commercial), S.C.Railway, D.R.M's Office, Guntakal.

4. Senior Divisional Personnel Officer, S.C.Railway, Guntakal.

5. M.Ranganna.

6. B.Sunder Raju.

7. M.Ramachandra.

8. K.Rama Murthy.

9. B.Balaiah.

10. K.Krishna.

11. Md. Usman.

12. M.Gopal

13. M.V.Ramana.

.. .. Respondents.

Counsel for the Applicants: Sri S.Ramakrishna Rao.

Counsel for the Respondents: Sri N.R.Devaraj

CURAM:

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

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

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JUDGMENT.

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

Heard Sri S.Ramakrishna Rao, learned counsel for the Applicants and Sri N.R.Devaraj for the respondents.

There are 8 applicants in this O.A. But of the 8 applicants, Applicant Nos., 1, 4, ^{and} 5 ^{and} 8 had already been absorbed as regular bearers. Hence the O.A., in so far as they are concerned has become infructuous and is dismissed in respect of the applicant Nos., 1, 4, ^{and} 5 ~~and~~ 8

The rest of the applicants viz., 2, 3, 7 and 8 submit that they were working as Commission Vendors/Bearers in Dharmavaram Refreshment Room, Guntakal Division. They have given their service particulars in para 4(1) of the O.A. The catering Bearers/Vendors working with the Contractors were to be treated as Government servants in view of the Supreme Court Judgment. Accordingly the applicants have to be absorbed regularly in Group "O" Posts in the Railways. As the applicants' names are not taken as regular Railway employees, they have filed this O.A. praying to set aside the impugned letter No. G/C.101/Vendors/P dated 14.11.1996, (Annexure A-1 to the O.A.)

calling the juniormost vendors/Bearers for screening direction to the Respondents for test and for consequential/absorption as Vendors/Bearers

as they are the seniors on the basis of the number of days







Vendors/Bearers. Applicants Nos., 2 and 3 are at Sl.Nos., 23 and 30 of the said list. Hence, it is to be held that Applicant Nos., 2 and 3 are seniors to ^{the} Applicant Nos., 4 and 5. When the junior applicants Nos., 4 and 5 had already been absorbed, it is not known why the senior Applicants Nos., 2 and 3 were not absorbed. Hence, a direction has to be given to absorb the applicant Nos., 2 and 3 also forthwith within a period of 45 days from the date of receipt of a copy of this judgment.

As regards the applicants Nos., 6, 7 and 8 they are at Sl.Nos. 57, 58 and 112 of the list for absorption and there is no material available to show that their juniors who are below them were absorbed. Hence, a further direction has to be given to the respondents to absorb the applicant Nos., 6, 7 and 8 also in accordance with the rules as and when their turn comes on the basis of their qualification.

In view of what is stated above, the following directions are given:

i) Applicant Nos., 2 and 3 should be absorbed as Canteen Vendors/Bearers or in any other Group "D" Post based on their qualifications etc., within a period of 45 days from the date of receipt of a copy of this Judgment.

ii) The applicant Nos., 6, 7 and 8 shall also

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they have worked as Vendors/Bearers and with all consequential benefits. An interim order was passed in this C.A. on 21.11.1996. By this Order, it was directed that "Any appointment made to the post of Vendors as per the Notification No. G/C/101/Vend/P dated 14.11.1996 calling certain employees for screening for the regular post of vendor is subject to the outcome of this C.A."

A reply statement has been filed in this C.A. The main contention of the respondents is that the Commissioned Vendors/Bearers were absorbed on the basis of the seniority. The applicants herein are juniors and they will be considered for absorption as and when their turn comes.

We have asked the respondents as to the Serial Numbers in which the applicants are placed for absorption and also the details of the applicants who had filed this C.A., in regard to their absorption. An additional reply has been filed in this C.A., wherein the position of the applicants in the list for absorption has been indicated in para 4 of the additional reply. As per the details given, it is seen that the Applicant Nos., 1, 4 and 5 had already been absorbed and these three applicants who had been absorbed /at Sl.Nos., 10,39 and 49 of the list for absorption as ~~Contract~~ Canteen

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: 5 :

be absorbed as Canteen Vendors/Bearers or in any other Group "D" post on the basis of their qualifications etc., as and when their turn comes.

The D.A., in so far as applicant Nos., 1, 4 and 5 is concerned, ~~it~~ has become infructuous as they have already been absorbed and it is dismissed as infructuous.

The D.A., is ordered accordingly.

No costs.

प्रमाणित प्रति
CERTIFIED TRUE COPY

कानूनी संख्या OA 1353/96
CASE NO. EX. 17.3.98
निर्णय दिन: 17.3.98
DATE OF JUDGEMENT
प्रति दिन: 26.3.98
COPY MADE ON 26.3.98

[Signature]

मुख्य नियंत्रक (नियंत्रक)
Supt. *[Signature]* *[Signature]*
मुख्य नियंत्रक
Central Admin. (Strategic) Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH.

SSA.