

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA. No. 3882/96.

O.A. 1483 /96.

Dt. of Decision : 09-12-96.

1. Ch.Krishna Reddy
2. Chandeswari Prasad
3. Shaik Mahabooob Basha
4. I.Koteswara Rao

.. Applicants.

Vs

1. The Sr.Divl.Persennel Officer,
SC Rly, Vijayawada, Krishna Dist.
2. The Divl.Engineer (South),
SC Rly, Vijayawada.
3. The Sr.Divl.Engineer, (Co-Ordination),
SC Rly, Vijayawada.
4. The Assistant Engineer,
SC Rly, Ongole, Prakasam District.
5. The Asst. Engineer,
SC Rly, Bitragunta,
Nellore District.

.. Respondents.

Counsel for the applicants : Mr.P.Sridhar Reddy

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:

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

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE. SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr.P.Sridhar Reddy, learned counsel for the applicants and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. There are 4 applicants in this OA. It is submitted that they are working as Casual Artisans in Welders trade in Vijayawada Division in the scale of pay of Rs.950-1500/-(RSRP) from 1986 onwards on various dates. It is stated that they were granted A.P. scales of pay w.e.f., 17-2-86. They were screened and found fit for absorption for posting as Gangman under R-4 and R-5 by order No.B/P.564/VII/PCE/Vol.VII dated 31-10-96 (Annexure-I).

3. The applicants now submit that they are working as Casual Welders in the AP scales of pay right from 1986 onwards. If they are absorbed as Gangman in a regular vacancy of Gangman they will lose monetarily. Hence, they prayed ^{that} ~~for~~ they should be allowed to continue as Casual Labour Artisans till they are regularly absorbed as Welders in the 25% vacancy earmarked for absorption of such casual Artisans. The first applicant has filed a representation in this connection to R-3 as can be seen from the representation dated 14-11-96 (Annexure-II). It is stated that similar representations had been filed by other applicants also, though, those representations are ~~not~~ ^{not} enclosed to this OA. As the applicants ^{had} ~~are~~ recently submitted their representations, it appears that no reply has been received for ^{those} ~~that~~ representations.

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4. This OA is filed praying for a declaration that the memo issued by R-1 in his proceedings No.B/P.564/VII/PCE/Vol.VII. dated 31-10-96 (Annexure-I) ^{absorbing} ~~absorbed~~ the applicants as Gangman in the scale of pay of Rs.775-1025/-(RSRP) ~~XXXXXXXXXXXX~~ notwithstanding that the applicants have been working as Welders in the AP scales ~~in~~ of pay of Rs.950-1500/-(RSRP) for the past several years ^{and} not absorbing them as a regular Welder in the time scale of Rs.950-1500/- as illegal, arbitrary, unjust and for a further direction to regularise the services of the applicants in the post of Welders Gr-III.

5. The applicants can be considered against the quota ^{if} ~~if~~ any, in accordance with rules only when their turn comes. The applicants have not produced any documents to show that their turn has come in accordance with the existing rules for absorbing them as Welders Gr-III. In view of that no direction can be given for absorbing them as Welders Gr-III.

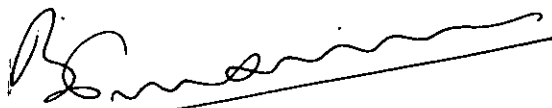
6. In the mean time the respondents considered their cases for absorbing them as Gangman as their turn ^{had} ~~comes~~ on the basis of the number of days of service put in by them. If the applicants are not interested to be absorbed as Gangman, they may give the refusal ~~and~~ requesting the respondents to continue them as casual labour Welders till their turn comes for regular absorption as Casual Labour Welders. If such a representation is received, the respondents should not compel them to get absorbed as Gangman. But should continue them as Casual Labour Welder Gr-III so far there is need to continue them as such. The refusal to be absorbed as Gangman may result in the retrenchment from the post of Casual Labour Welders Gr-III if there is no work or there is no need to continue them in that post due to shortage of work or other reasons.

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

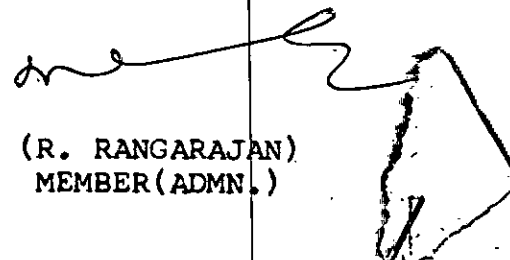
The respondents ^{should} ~~could~~ not compel the applicants to join as Gangman even if they are selected by an appropriate screening committee and they should be allowed to continue as Casual Labour Welders Gr-III if they are unwilling to join as Gangman. They should be considered for absorption as Welders Gr-III ^{as} and when their turn comes against the quota, if any, earmarked for absorption of the Casual Artisans against the regular post for Artisans in accordance with the rules. In the mean time, before ^{their} absorption as regular Welders Gr-III, the applicants stand the risk of being retrenched from the post of casual labour Artisans if there is ^{shortage} ~~surplus~~ of cadre or there is no work to continue them upon in the opinion of the respondents ~~there is no need to continue them as such due to various reasons.~~

8. The OA is ordered accordingly at the admission stage itself. No costs.



(B.S. JAI PARAMESHWAR)
MEMBER(JUDL.)

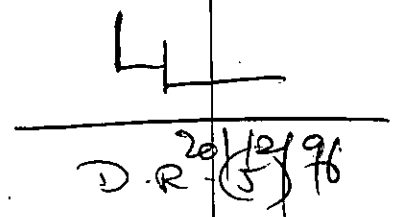
9.12.96



(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 9th December 1996.
(Dictated in the Open Court)

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D.R. (S) 76

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O.A.NO.1483/96

Copy to:

1. ^{SA} The Divisional Personnel Officer,
South Central Railway, Vijayawada,
Krishna District.
2. The Divisional Engineer(South),
South Central Railway, Vijayawada.
3. The Senior Divisional Engineer (Co-Ordination),
(Co-ordination) South Central Railway,
Vijayawada.
4. The Asst. Engineer, South Central Railway,
Ongele, Prakasam District.
5. The Asst. Engineer, South Central Railway,
Bitragunta, Nellore District.
6. One copy to Mr.P.Gridhar Reddy, Advocate,CAT,Hyderabad.
7. One copy to Mr.V.Rajeswara Rao, Addl. CGSC, CAT,Hyderabad.
8. One copy to Library,CAT,Hyderabad.
9. One duplicate copy.

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CC To-day 31/12/96

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 9.12.96

ORDER/JUDGEMENT

R.A./C.P/M.A.No.

O.A.No. 1483/96ⁱⁿ

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

II COURT

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केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal ब्रेक/DESPATCH 23 DEC 1996 हैदराबाद बेंच HYDERABAD BENCH
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