

(25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A. 610/96.

Dt. of Decision : 04-06-96.

Smt. M. Vimala

.. Applicant.

Vs

The Union of India, Rep. by

1. The General Manager,
~~SC Rlyy Rail Nilayam, Sec'bad.~~

2. The Chief Personnel Officeef,
SC Rly, Rail Nilayam,
Sec'bad.

3. The Medical Directer,
(formerly Chief Hospital Superintendent)
Railway Hospital, SC Rly,
Lallaguda, Sec'bad. .. Respondents.

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents : Mr. K. Siva Reddy, SC for Rsly.

CORAM:

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

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ORDER

Oral Order (Per Hon'ble Shri R. Rangarajan, Member (Admn.))

The applicant in this OA is reported to have engaged as a Casual Labour from 07-01-85 to 07-09-85 in different spells. Thereafter she was not engaged. When she applied for entering her name in the Live Register and further engage her as casual labour, her request was turned down, on the ground that the ex-casual labourer have put in only negligible days of service as can be seen from letter No.P/MD/564/Vil.V dated 14-6-95 (Annexure-I).

2. Aggrieved by the above she has filed this OA praying for a direction to the respondents to consider her case for re-engagement or atleast to place her name in the live register.

3. The learned counsel for the applicant relies on the Railway Board's letter No.E/NG/II/78/CL/2 dated 25-4-86 (at Annexure-V page-15) to state that those who are in service even after first January 1981 should be enlisted in the live register and they should be engaged as casual labour as and when vacancy arise. But a perusal of the letter shows that only those casual labourers who were in service as on 1-1-81 and discharged thereafter can only claim for enlisting in the live register. Having been engaged as a casual labour only in 1985 she cannot demand for enlisting her name in the live register on the basis of the above letter. As a matter of fact there is a ban of engagement of casual labourer in Railways after 1-1-81. But the General Manager has got full power to engage a fresh /face on the basis of his discretionary powers. The applicant

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also states that the R-3 had recommended 10 casual labourers who were engaged by the hospital earlier and discharged later for re-engaging them as casual labour. The applicant's name is at Sl.No.9 in that letter No.MQ/MD/136/Sub.Staff dated 29-11-1993 (at page-18 Annexure-VII). But R-2 has given permission only in respect of two names from the list namely the casual labourers at Sl.No.1 and 6 as they have put in more number of days of casual service. It is the further submission of the applicant that she has put in 73 days of casual service which is erroneously shown as 49 days in the list sent by R-5 and because of that erroneous indication of the days of the casual service, R-2 has not given permission to re-engage her. But this is a point for consideration by the General Manager as she has no right even to be engaged as a casual labour after 1-1-81. But as I said earlier the General Manager may review her case under his own power taking into account the actual number of days of service put in by her as a casual labour in the hospital.

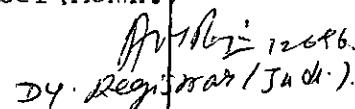
4. In view of what is stated above the only direction that can be given is that the applicant may represent her case to R-1 for considering her case for re-engagement as a casual labour and if such request is received by R-1 he can consider her case under the powers vested in him.

5. In the result, the following direction is given:-
The applicant may if so advised put in a detailed representation for her re-engagement to R-1 and if such a representation is received by R-1 he should dispose of the same in accordance with rule.

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


(R. Rangarajan)
Member (Admn.)

Dated : The 4th June 1996.
(Dictated in Open Court)


D.Y. Registrar/Jud.
A.M.R. 12696.

Copy to:-

1. The General Manager, South Central Railway, Union of India, Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. The Medical Director, (formerly Chief Hospital Superintendent Railway Hospital, S.C.Railwaym, Lallaguda, Secunderabad.
4. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
5. One copy to Sri. K.Siva Reddy, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

24/6/96
27/6/96
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : MCA

DATED: 4/6/96

ORDER/JUDGEMENT

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

IN-

R.A. NO.

6/10/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

A/c of project

No Spare Copy

