

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

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Heard Sri P.Krishna Reddy, counsel for the applicant and Sri V.Rajeshwar Rao, learned standing counsel for the respondents.

2. There are 2 applicants in this O.A. The first applicant was engaged as Cleaner in ELS Canteen at Vijayawada on 1-10-82 and the second applicant was appointed as a Cleaner on 17-9-86. It is stated that both the applicants are working continuously till they were stopped by oral orders on 25-10-86 without any break. Respondent No.4 issued a letter dt.24-8-92 (Annexure-I to the OA) addressed to Respondent No.5 asking for certain instructions such as the number of casual labourers employed after 1-4-90 and those who retrenched duly observing Industrial Disputes Act after 1-4-90. Respondent No.5 addressed letter dt.9-9-90 to Respondent No.4 giving him the <sup>law</sup> information. He also sent another letter and service particulars of the applicants including information who were appointed after 1-4-90. The applicants submit that they were appointed prior to 1-4-90 and hence they are entitled for continuation in the canteen as there was delay in regularisation of their services and similarly situated employees have already been regularised, they made representation to Respondent No.3 requesting to absorb them regularly.

3. However they were stopped from working from 26-10-96. This OA is filed praying for a direction to the respondents to re-instate them and absorb them as Class-IV employees from the inception of their services with all consequential benefits.

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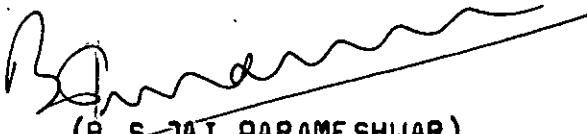
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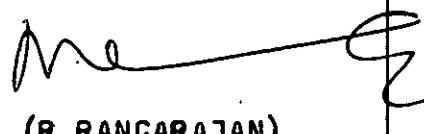
When the OA was taken up for hearing, the learned counsel for the respondents submits that this OA is covered by the judgement of this Tribunal in OA 123/94 decided on 19-6-97. That OA was decided ~~remitting~~ on the basis of its remittance back from the Supreme Court and all the contentions have been examined in that OA. Hence it will be appropriate to pass the order as passed in OA 123/94 in this OA also in view of the submissions of the respondents.

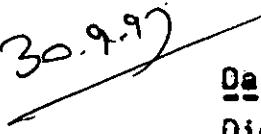
4. In the result, the following direction is given :-

If the applicants as on 1-4-90 comes within the number of posts sanctioned for ELS Canteen as on 1-6-82, they should be regularised in their turn as regular Railway Servants either in that Unit or any other Unit. If the applicants absorbed immediately or some time later on the basis of available vacancies, then they are entitled for fixation of their seniority in Class - IV Group-D, <sup>from</sup> with effect from 1-4-90. Their benefits in the absorbed category shall accrue thereafter on the basis of that seniority.

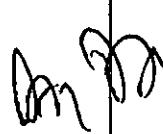
5. The Original Application is ordered accordingly. No order as to costs.

  
(B.S.JAI PARAMESHWAR)  
Member (J)

  
(R.RANGARAJAN)  
Member (A)

  
30.9.97  
Dated: 30th September, 1997.  
Dictated in Open Court.

evl/

  
D.R. (J)

Copy to:

1. The Chairman, Rail Bhavan, New Delhi.
2. Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
3. The Chief Commercial Superintendent, (Catering), South Central Railways, Railnilayam, Secunderabad.
4. Divisional Railway Manager, (P), South Central Railway, Vijayawada Division, Vijayawada.
5. Chairman, ELS Staff Canteen & Asst. Electrical Engineer-I, Electrical Loco Shed, South Central Railway, Vijayawada.
6. One copy to Mr. P. Krishna Reddy, Advocate, EAT, Hyderabad.
7. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
8. One copy to D.R(A), CAT, Hyderabad.
9. One duplicate copy.

YLKR

27/10/97  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

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

Dated: 30/9/97

ORDER/JUDGMENT

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

in

D.A.NO. 1302/96

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

