

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OP No. 785/96

[OASR. 1858/96]

dt. : 26-6-96

Between

1. N. Bangar Reddy
2. B. Tata Rao
3. S. Appa Rao
4. N. Mahalakshmi
5. E. Somulu
6. K. Yellaiah : Petitioners

and

1. Union of India rep. by
General Manager
SE Rly., Calcutta

2. Divnl. Railway Manager
SE Rly., Visakhapatnam : Respondents

Counsel for the applicants : P.B. Vijaya Kumar
Advocate

Counsel for the respondents : V. Bhimanna, SC for Railways

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HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

Judgement

Oral order (per Hon. Mr. Justice M.G. Chaudhari, VC)

Mr. P.B. Vijayakumar for the applicants. Mr. V.
Bhimanna for the respondents.

2. The six applicants appear to have been engaged during
the years 1980-81 as Casual labourers by the South Eastern
Railways. The applicants have not stated as to where and
by whom they were engaged in 1980-81. From the annexure
A.4 it appears that they were engaged under the office of
the Project Manager, Visakhapatnam. In the absence of
material we are so assuming the position. The applicant-1
worked for 166 days between March and July 1981; Applicant-2

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worked for 164 days between 1-9-80 and 1-6-1981; Applicant-3 for 145 days between 1-10-80 and 1-6-81; Applicant =4 worked for 147 days between 1-10-80 and 1-5-1981; applicant-5 worked for 144 days between 1-10-80 and 1-6-1981; and Applicant 6 worked for 138½ days between 1-10-1980 and 1-6-1981.

3. The applicants contend that because they were retrenched in 1981 their names were carried in the live register of Casual Labourers and their names still continue to figure in the live register. They, therefore, contend that they are eligible for reengagement since work is available, to appoint them according to their position and seniority in the live register. They have stated that their names figure at serial no.49, 260 to 264 in the live register maintained by the Second respondent. They have approached the Tribunal in the instant OA because of the notification issued by the Divisional Railway Manager (P), Waltair, dated 30-5-1996 on the subject of engagement of casual labour on daily rates of pay in the Civil Engineering Department of South Eastern Railway, Waltair Division. Thereunder applications in the prescribed forms have been invited for the proposed engagement for a period of 119 days or upto 31-10-1996 whichever is earlier for execution of track maintenance work. One of the conditions prescribed under the notification is that the candidates should have the minimum qualification of V Class pass, secondly it also prescribes the condition that the applicant should be between 18 and 33 years of age as on 1-5-1996 relaxable in the case of SC/ST/OBC

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✓ candidates. The applicants apprehended that in view of these qualifications prescribed they may not be considered eligible and although their names are carried on the live register they may be denied reengagement proposed to be made under the aforesaid notification. They pray as follows :

"This Hon'ble Tribunal may be pleased to direct the respondents to reengage only the applicants and other ex-casual labourers from the live register for the work notified under Notification No.WPT/5/Engg/CL dated 30-5-96 of the second respondent without insisting on qualifications and age and without entertaining any outsiders till the live register is exhausted.."

✓ 4. It is not ~~so simple~~ ^{easy} to direct ~~disregarding~~ ^{that the} qualification prescribed for eligibility ^{should be disregarded} although at the same time a serious consideration has to be given to the aspect as to whether new qualifications as have been prescribed viz. relating to educational qualifications and age would be introduced and made applicable to the persons whose names are already contained in the live register. It requires to be examined whether Clause 7,8 and 10 of the notification dated 30-5-96 imply that the additional qualifications prescribed are intended to be applicable only to the freshers and not the casual labourers who are on the live register. These questions call for scrutiny of relevant rules, ~~circulars~~ and also verification of factual data. Such exercise cannot be undertaken unless the respondents file an appropriate reply. Only thereafter investigation into these aspects would be possible. That process, however, we may try to expedite ~~matter~~ may not be of any material use as the appointments under the impugned notification dated 30-5-96 are intended for a limited duration only. Having regard to ^{the} these aspects of the matter we are inclined to direct the Divisional Railway Manager, South



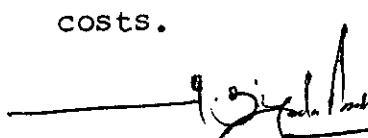
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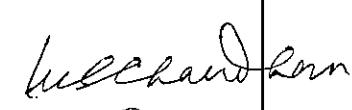
Eastern Railway, Waltair, to look into the aspects noted above and the points that we indicated in our interim direction dated 21-6-1996 and reply to the representation (Enclosure A.3), which is stated to have been filed under the signature of V.S. Rao Gollapalli, on behalf the Eastern Railwaymens' Congress, registered, recognised and affiliated to Workers Union. The points ^{noted} ~~passed~~ above have been raised in the representation relating to qualifications of education and age introduced in the notification dated 30-5-96. We hope that the DRM will decide the question in the light of provisions of the Railway Manual, the instructions issued by the Railway Board from time to time in ~~this respect~~, the overall policy in the Railways ^{respect} in behalf of Casual labourers on the live register and the individual facts applicable to ~~each~~ of the applicants. We make it clear that the fact as to whether the names of the applicants are infact borne on the current live register or not needs to be verified.

5. In the result, the following order is passed :

DRM, South Eastern Railway, Waltair, Respondent-2, is hereby directed to dispose of the representation dated 4-6-96, Annexure-3, in the light of observations contained herein above in the judgement within a period of four weeks from the date of communication of the order. The Union may thereafter be informed the decision taken.

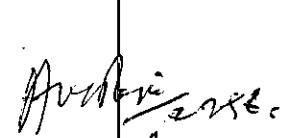
6. The OA is accordingly disposed of. No order as to costs.


(H. Rajendra Prasad)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman

Dated : June 26, 96
Dictated in the Open Court

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Deputy Registrar (OAC)

0.A.785/96-

To

1. The General Manager,
Union of India,
SE Rly, Calcutta.
2. The Divisional Railway Manager,
SE Rly, Visakhapatnam.
3. One copy to Mr.P.B.Vijayakumar, Advocate, CAT.Hyd.
4. One copy to Mr.V.Bhimanna, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One copy spare.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 26-6-1996

ORDER/JUDGMENT

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

in

O.A.No. 595/96 785796

T.A.No. (W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रशासनिक अधिकारण Central Administrative Tribunal DESPATCH 4 JUL 1996 हैदराबाद न्यायपीठ HYDERABAD BENCH
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