

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1749/97

DATE OF ORDER : 06-04-1998.

Between :-

T.N.Ganesan

... Applicant

And

1. The General Manager,
S.C.Railway, Sec'bad.
2. The Chief Personnel Officer,
S.C.Railway, Sec'bad.
3. The Chief Commercial Superintendent,
S.C.Railway, Sec'bad.
4. The Sr.Divisional Personnel Officer,
S.C.Railway, Guntakal Division,
Guntakal, Ananthapur District.
5. The Divisional Railway Manager,
S.C.Railway, Guntakal Division,
Guntakal, Ananthapur District.

... Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri J.R.Gopal Rao, SC for Rlys

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CORAM:

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

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

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

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Heard Sri S.Ramakrishna Rao, counsel for the applicant and Mrs.Shakti for Sri J.R.Gopal Rao, standing counsel for the respondents.

2. The applicant in this O.A. was engaged as a Catering Cleaner in the V.R.R.Raichur in South Central Railway through a contractor with effect from 1-1-1987. It is stated that he was continued as such till 22-4-91 when he was retrenched by the authorities. It was however added after that the applicant was engaged intermitently as/Casual Cleaner and when the need arose. The applicant relying on the judgement of the Supreme Court reported in AIR 1991 SC 26 (Catering Cleaners of Southern Railway Vs. Chief Commercial Superintendent, Southern Railways) and submits that he is entitled for engagement as a Catering Cleaner and thereafter regularisation of his services. He also relied on the decision rendered in Writ Petition No.19 & 498/86 and WP No.37/87 by the Hon'ble Supreme Court. The applicant further submits that one Sri M.Narasimhulu, who was initially engaged after the applicant was also absorbed. The applicant further states that in the Raichur Division even those who ^{were} engaged in 1989 as Contract Cleaners had been absorbed in Railway Services but the applicant is denied of such absorption. The applicant has submitted a representation dt.27-12-1996 addressed to Respondent No.4 for considering his case in the light of the Supreme Court judgement for his absorption on regular basis as per his seniority taking the date of his initial

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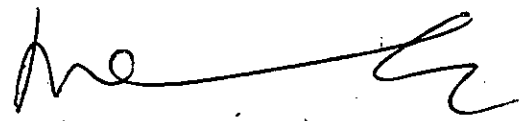
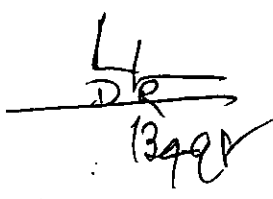
engagement by the contractor for fixing his seniority.

3. This OA is filed praying for a direction to the respondents to engage and continue the applicant as catering cleaner and absorb him as departmental employee duly regularising him in service with all consequential benefits that are available to regular employees and if there are no vacancies, the applicant may be continued as Catering Staff in a temporary status till a vacancy arises for his regularisation as laid down by the Supreme Court.

4. The learned counsel for the respondents submit that she will file a reply shortly and prayed for time. But the learned counsel for the applicant submits that the applicant is without job for a long time and hence his case may be disposed of directing the respondents to dispose of his representation dt.27-12-96 as the authorities may re-consider his case. He further added that in case the representation is rejected, he will approach this Tribunal ~~for~~ challenging that rejection order.

5. In view of the above, the O.A. is disposed of directing the respondent No.4 to give a proper ^{and suitable} reply to the representation dt.27-12-96 considering all the contentions raised in his representations as well as in this O.A. within a period of two months from the date of receipt of a copy of this order.

6. O.A. is ordered accordingly. No costs.


(R. RANGARAJAN)
Member (A)


Dated: 6th April, 1998.
Dictated in Open Court.

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Copy to:

1. The General Manager, South Central Railway,
South Central Railway, Secunderabad.
2. The Chief Personnel Officer, South Central Railway,
Secunderabad.
3. The Chief Commercial Superintendent,
South Central Railway, Secunderabad.
4. The Senior Divisional Personnel Officer,
South Central Railway, Guntakal Division,
Guntakal, Ananthapur District.
5. The Divisional Railway Manager, South Central Railway,
Guntakal Division, Guntakal, Ananthapur Division.
6. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyderabad.
7. One copy to Mr. J. R. Gopal Rao, Addl. CGSC, CAT, Hyderabad.
8. One copy to D. R. (A), CAT, Hyderabad.
9. One duplicate copy.

YLKR

23/4/98
(9)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN 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: 13-4-98

ORDER/JUDGMENT

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

in

O.A.NO. 1749/92

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal हैदराबाद न्यायपीठ HYDERABAD BENCH
21 APR 1998 Despatch RECEIVED विभाग/APPAL SECTION