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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

O.A.No.379 OF 1997.

DATE OF ORDER:20-1-1999.

BETWEEN:

G.Satyanarayana.

... Applicant

a n d

1. Union of India, rep., by its
General Manager, South Central
Railway, Rail Nilayam, Sec'bad.
2. General Manager,
Railway Electrification, Allahabad.
3. Chief Project Manager(Personnel),
Railway Electrification,
SC Railway, Vijayawada.
4. Divisional Railway Manager(Personnel),
South Central Railway, BZA,
Vijayawada.

..... Respondents

COUNSEL FOR THE APPLICANT :: Mr.G.V.Sekhar Babu

COUNSEL FOR THE RESPONDENTS:: Mr.N.R.Devaraj

CGRAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER(PER HON'BLE SRI R.RANGARAJAN, MEMBER(A))

None for the Applicant. Heard Mr.N.R.Devaraj,
learned Standing Counsel for the Respondents.

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2. The applicant in this OA was initially engaged as a Project Casual Labour Khalasi under Electrical Foreman/General/Railway Electrification/South Central Railway/Vijayawada on 16-5-1980 on daily wages. He was brought on monthly rates of pay in terms of Railway Board's letter No.E(NG)II/82/LG-5/4, dated:6-6-1983, after completion of 180 days of continuous service. He was granted temporary status with effect from 8-8-1984 in terms of Railway Board's letter No.E(NG)II/84/CC/41, dated:11-9-1986. He was promoted as Vehicle(Lorry) Driver in the scale of pay of Rs.260/-400/-/950-1500/- with effect from 27-8-1984. He was further engaged temporarily as Highly Skilled Grade-II Lorry Driver in the scale of Rs.330-560(RS) with effect from 12-3-1986 and continued in the same capacity. In the seniority list of Project Casual Labour Drivers, the applicant was assigned seniority position at Serial No.27 amongst the 33 Project Casual Labour Drivers.

3. The applicant was considered for absorption in Group-'D' posts in the Open Line of the Railways. The applicant was empanelled for absorption as Khalasi along with others in TRD Department of Bezawada Division in the scale of pay of Rs.750-940/- based on his seniority position and educational qualification in terms of letter No.E.252/KSRE/3080/Screening/Vol.II, dated: 24-2-1997. Orders were issued by directing the applicant and other Casual Labours, whose services were regularised to report to the TRD Organisation. But the applicant it is stated, has not joined.



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4. The applicant has filed this OA to set aside the Orders of posting him in Group-'D' and reverting him from Group-'C' post of Driver to a lower scale of Group-'D', by holding the same as arbitrary, mala fide, illegal and unconstitutional, and for a consequential declaration that the applicant be deemed to have been regularised in Group-'C' post of Driver in the scale of Rs.1200-1800/- with effect from 1985.

5. An Interim Order was passed in this OA dated: 10-4-1997. This Interim Order reads as below:-

"It is claimed by the learned Counsel for the applicant that, as of today, the applicant continues to work in the post of driver. Subject to his claim being factually correct, the respondents are directed not to disengage him from service until further orders. At the same time it is open to the applicant to join as Khalasi by reporting to D.E.E. (Traction), Traction Division, Vijayawada, as stipulated in the impugned order if it is still open to him to do so. Should he choose to join the said appointment and if he is permitted to do so, the same shall be without prejudice to rights and contentions in the O.A. and subject to such further orders as may be passed in it."

6. The contentions raised in this OA and the relief asked for ^{are} ~~the~~ same as the contentions raised in OA.No.18 of 1997, decided on 18-1-1999. Hence, this OA is also disposed of with the same directions as was given in OA.No.18 of 1997.

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7. In view of the facts and circumstances of the case, the following direction is given:-

The applicant, if so advised, may give his unwillingness to join as Khalasi in the scale of Rs.750-940/- in Bezawada Division of TRD Department, if he has not already joined as Regular Khalasi. If such a letter is received within a fortnight from the date of receipt of ^a copy of this order, then the respondents should not force him to join that post in pursuance of the impugned posting order posting him as Regular Group-'D' Khalasi in Bezawada Division. The applicant should be continued in RE Organisation in casual capacity in the present post in which he is working; but he stands the risk of being retrenched if the work-charged post is made surplus or there is no necessity to operate that post in the RE Organisation. The applicant, if so advised, may apply against Group-'C' post against 25% quota of Direct Recruitment if available whenever any notification to that effect is issued in future. If such an application is received in pursuance of the notification issued by the respondents then the applicant should also be considered alongwith others in accordance with law.

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8. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)

MEMBER (JUOL)

20.1.99

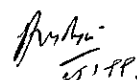


(R. RANGARAJAN)

MEMBER (ADMN)

DATED: this the 20th day of January, 1999

Dictated to steno in the Open Court


20.1.99.

DSN

29/1/99

1ST AND 11ND COURT

COPY TO:-

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R.(A)
5. SPARE

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR :
VICE CHAIRMAN

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

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

THE HON'BLE MR. B. S. JAI PARAMESWAR :
MEMBER (J)

DATED: 20/1/99

ORDER/ JUDGMENT

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

In
O.A. NO. 379/97

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

SRR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
घेषण / DESPATCH
28 JAN 1999
हैदराबाद न्यायपीठ
HYDERABAD BENCH