

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

19

ORIGINAL APPLICATION NO.804/97

DATE OF ORDER : 01-07-1997.

Between :-

1. Syed Ameeruddin
2. S.K.Dildar

... Applicants

And

1. The Sr.Divisional Personal Officer  
(Broadguage), SC Rlys, Sanchaalan  
Bhavan, Sec'bad.
2. The Divisional Railway Manager  
(Broad guage), SC Rlys, Sanchalan  
Bhavan, Sec'bad.
3. The Sr.Divisional Operating Manager,  
(Broad guage), SC Rlys, Sanchaalan  
Bhavan, Sec'bad.
4. The Station Superintendent,  
Parli Vaijanath, Maharashtra.

... Respondents

-- -- --

Counsel for the Applicants : Shri J.Venugopala Rao

Counsel for the Respondents : Shri C.V.Malla Reddy, SC for Rlys

-- -- --

CORAM:

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

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

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

-- -- --

D

... 2.

(23)

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

-- -- --

Heard Sri V.Venugopal Rao for Sri J.Venugopal Rao, counsel for the applicants and Shri C.V.Malla Reddy, standing counsel for the respondents.

2. There are two applicants in this OA but the office has erroneously numbered this O.A. without an OA/ for filing single O.A. However, we do not want the applicants to suffer for the fault of the Registry. Hence we deal with the merits of the O.A.

3. The applicants are Casual Labourers under Respondent No.4. Their services were terminated by letter No.SS/PRLI dt.31-1-97 on the ground that there is no imprest cash on hand with Respondent No.4 and hence to avoid accumulation of bills. This letter is assailed in this OA and for a consequential direction to re-engage them.

4. The main contention of the applicants in this OA is even in similar instances, the applicants were engaged without imprest fund and subsequently the imprest fund <sup>Recouped</sup> equipped and paid. For want of imprest funds dis-engagement of their services is illegal. Hence the impugned order for want of funds is irregular <sup>and</sup> arbitrary. It is not stated in the OA that Respondent No.4 is the appointing authority for casual labourers without any sanction from higher authorities. The very fact that Respondent No.4 has to request <sup>Recouping</sup> for equipping the funds shows that only if proper sanction exists from the higher authorities in the absence of proper funds, the

JR

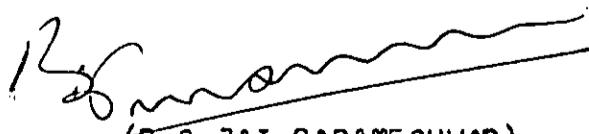
D

Respondent No.4 has ~~the authority~~ right to engage casual labourers even if the funds are available with him. Nowhere it is stated in the OA that the higher authorities permitted Respondent No.4 to engage casual labourers. In that view we feel that the termination cannot be assailed.

5. The learned counsel for the applicant submits, that the ~~Hon'ble~~ <sup>High Court of AP</sup> judgement of the ~~High Court~~ in 1997 (2) ALT 648, that the applicants have acquired sufficient experience and hence they cannot be discharged. In fact he argues that they should not only be engaged but their services <sup>also</sup> should be regularised. Their regularisation arises only after their re-engagement. Hence it is proper for the applicants to seek re-engagement into casual labourer service <sup>from the</sup> and to request for regularisation. In the result, the OA is dismissed but this dismissal will not stand in the way of the applicants to make a representation to the authorities.

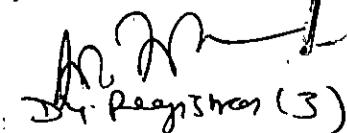
6. We are very much anguished, in the way in which the Respondent No.4 is engaging the casual labourers and advised the learned standing counsel for the respondents to bring our anguish to the higher authorities concerned. Sri C.V.Malla Reddy submits that he also shares our anguish and he will certainly convey the same to the higher authorities. The result of his submission can be gauged only after the response of the higher authorities.

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

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

1.7.97

  
(R.RANGARAJAN)  
Member (A)

  
Dr. Peeyush (3)

: 4 :

## Copy to:-

1. The Sr. Divisional Personal Officer, (Broadguage), S.C.Rlys, Sanchalan Bhavan, Secunderabad.
2. The Divisional Railway Manager(Broad guage), S.C.Rlys, Sanchalan Bhavan, Sec'bad.
3. The Sr. Divisional Operating Manager, (Broadguage), S.C.Rlys, Sanchalan Bhavan, Sec'bad.
4. The Station Superintendent, Parli Vaijanath, Maharashtra.
5. One copy to Sri. J.Venugopala Rao, advocate, CAT, Hyd.
6. One copy to Sri. C.V.Malla Reddy, SC for Rlys, CAT, Hyd.
7. One copy to Deputy Registrar(A), CAT, Hyd.
8. One spare copy.

Rsm/-

17/7/97

(3)

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

11/7/97

ORDER/JUDGEMENT

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

in

O.A. NO.

304/97

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

II Court.

