

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.10/97.

Date of order : 4.2.1997.

Between

1. Ch.Venkatarao
2. B.Ramu Naidu
3. M.Ramu S/o Ramayya
4. Pakki Nanderu
5. K.Guruvulu
6. V.Apparao
7. Ch.Bhaskar Rao
8. D.Gopi
9. H.Trinatharao
10. M.Apparao
11. K.Malleswara Rao
12. M.Malleswara Rao
13. M.Ramu S/o Malla Ramu Naidu
14. K.Andrews
15. T.Ramulu
16. B.Ammoru
17. T.Yerraiah
18. J.Veeraswamy
19. K.Apparao
20. T.Gannaiah
21. Ch.Simhachalam
22. H.Mukhalingam
23. T.Laxmana Rao

.. Applicants

And

1. Union of India,
Reptd. by its
General Manager,
S.E.Rly., C.R.C.,
Calcutta-700043.
2. Divl. Rly. Manager
(Mechanical),
S.E.Rly.,
Visakhapatnam.
3. Divl. Personnel Officer,
S.E.Rly.,
Visakhapatnam.

.. Respondents

Counsel for the Applicants

.. Shri K.K.Chakravarthy

Counsel for the Respondents

.. Shri C.V.Malla Reddy,
SC for Rlys.

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri R.Rangarajan : Member(A)



Order

{Per Hon'ble Shri R.Rangarajan : Member(A)}

Heard Shri K.K.Chakravarthy for the applicants and
Shri C.V.Malla Reddy for the respondents.

2. There are 23 applicants in this O.A. It is stated that they were initially engaged for loading and unloading coal in the South Eastern Railway through the South Eastern Railway Labour Contract Cooperative Society, Railway Station, Visakhapatnam. It is further submitted that they have put in 18 years of service as contract labourers in the said station and they were discharged in the year 1991 as there was no work for loading and unloading coal as the traction has changed to diesel.

3. The applicants filed O.A.No.291/91 on the file of this Bench praying for a direction to the respondents in that O.A. to engage them as substitutes and subsequently consider their regular promotion in Group 'D' cadre without insisting upon the minimum educational standard of VIII class. That O.A. was disposed of by order dated 20.6.94. The direction given in that O.A. is contained in para 8 of the judgement. The relevant para reads as below:

"8. If the respondents have been taking members of the Society for being engaged as substitutes as per Railway Board's instructions, there is no justification why the applicants should be denied similar dispensation. Accordingly we dispose of this application with a direction to the respondents to consider the case of each of the applicants for engagement as substitutes on similar lines as was done in respect of several other members of the Society who did not possess the required educational standard. We make it clear that such engagement as substitutes would be done only if there is work and in preference to freshers."

4. As per the judgement they have to be considered for engagement as substitutes on similar lines as was done in respect of several other members of the Society but did not possess the required educational standard. It was made clear in that judgement that such engagement as substitutes would be only if there is work and in preference to freshers. Thereafter it appears that their cases were not considered due to

some reason or other. It may be due to the fact that no freshers were engaged or no work was available. It is stated by the applicants now that Railways are contemplating to engage substitute Safai Walas and for that matter the applicants were asked to submit their willingness to work as Safai Walas. It is further stated that the applicants had given their willingness to work as substitute Safai Walas. In the meantime, Railways by memo No.UPR/D/Safaiwala'96 dated 10.12.96 (Annexure A-VI) called some of the employees of the Railway attached bodies for screening for the post of Safai Walas. The applicants' names were not included in that list.

5. Aggrieved by the above they have filed this O.A. praying for a direction to the respondents No.2 and 3 to consider their case also for the post of Safai Walas in the Division on par with the employees of the Society who had been absorbed in Group 'D' posts earlier in accordance with the judgement of this Tribunal referred to above.

6. The case of the employees had already been considered in O.A.No.291/91 decided on 20.6.94. The direction given in that O.A. is loud and clear. The applicants have to be considered for engagement as substitutes if there is work and in preference to freshers. The applicants could not state whether any freshers were considered in preference to the applicants herein. In any case they have submitted a representation dated 4.8.96 (Annexure A-III) requesting the respondents to consider their case also for the post of Safai Walas. It is stated that the representation is still to be disposed of.

7. In the background of this case and in view of the earlier direction given by this Tribunal we ~~see~~ that no further direction is necessary in this O.A. What is required is the implementation of the judgement in O.A.No.291/91. Hence a direction to dispose of their representation dated 4.8.96 in accordance with the law and following the judgement in

✓ O.A.No.291/91 will meet the ends of justice.

8. In that view the following direction is given:

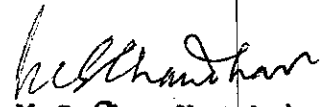
Respondent No.2 should dispose of the representation of the applicants dated 4.8.96 in accordance with the law giving due consideration to the decision of this Tribunal in O.A.No.291/91 within a period of two months from the date of receipt of a copy of this order by a speaking order.

~~If~~ It is preferable that in case any appointment is going to be made in the post of Safai Walas in view of the memo dated 10.12.96 the same may be done after the disposal of the representation to avoid any complication in future.

9. The O.A. is ordered accordingly at the admission stage itself. No costs.

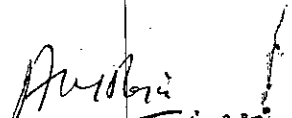


(R. Rangarajan)
Member(A).



(M.G. Chaudhari)
Vice-Chairman.

Dated : 4.2.1997.
Dictated in Open Court.


Deputy Registrar (DCC) 6-2-97

br.

O.A.10/97

To

1. The General Manager,
Union of India, S.E.Rly, C.R.C.
Calcutta-43.
2. The Divisional Railway Manager(Mechanical)
SE.Rly, Visakhapatnam.
3. The Divisional Personnel Officer,
SE Rly, Visakhapatnam.
4. One copy to Mr.K.K.Chakravarthy, Advocate, CAT.Hyd.
5. One copy to Mr.C.V.Malla Reddy, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

11/2/97

I COURT

TYPED BY _____ CHECKED BY _____

COMPARED BY _____ APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

R. Rangarajan
THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 4-2-1997

~~ORDER~~ JUDGMENT

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

in

O.A. No. 10/97
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.

pvm.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज/DESPATCH
10 FEB 1997
हैदराबाद बेंच
HYDERABAD BENCH

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD

M.A.No. of 1997

IN

ORIGINAL APPLICATION NO.

OF 1997

Between:

1.Ch.Venkatarao,S/o.Appalanaidu,
aged 31 years,Gavara Kancharapalam,
Visakhapatnam and 22 others.

...Applicants.

and

1.Union of India,Rep. by its
General Manager,SE.Rly,
C.R.C.Calcutta-700043 and 2 others.

...Respondents.

AFFIDAVIT

I, K.Malleswar Rao,S/o.Dalayya,aged 33 years,
Resident of Tatichattalapalem,Ganesh Temple,Visakhapatnam,having
temporarily come down to Hyderabad, do hereby solemnly and
sincerely affirm and state as follows:

1. I am the applicant No. 11 herein and as such I am well acquainted with facts of the case. I am authorised to file this Affidavit on behalf of 22 other applicants also.
2. I along with other applicants filed the above O.A. against the inaction of the respondents 2 and 3 in not considering the case of the applicants for the post of Safai Walas in the division on par with the other employees of the society who have been absorbed in group "D" posts as illegal,arbitrary and against the law consequently directing the respondents 2 and 3 to take the applicants into the job with all the benefits.
3. In the above O.A. the cause of action and the nature of the relief claimed by all the applicants is one and the same and similar.
4. Hence it is prayed that this Hon'ble Tribunal may be pleased to permit the applicants to file single application by joining together and pass such other order or orders that are deemed fit and necessary in the interest of justice.

Solemnly affirmed and signed
before me on this 1st day of
January '97 at Hyderabad.

[Signature]
[Signature]

[Signature]
[Signature]

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD

M.A.No. of 1997
 IN
ORIGINAL APPLICATION NO. OF 1997

BETWEEN:

- 1.Ch.Venkatarao,S/o.Appalanaidu,
aged 31 years,Gavara Kancharapalam,
Visakhapatnam.
- 2.B.Ramu Naidu,S/o.Appanna,
aged 43 years,Santhinagar,Visakhapatnam.
- 3.M.Ramu,S/o.Ramayya,
aged 35 years,Nallakori,Pendurthi,
Hutment Colony,Visakhapatnam.
- 4.Pakki Nanderu,S/o.Veerayya,
aged 39 years,Hutment Colony,
Nallakori,Pendurthi,Visakhapatnam.
- 5.K.Guruvulu,S/o.Rajayya,
aged 38 years,Reddy Tatichalapalem,
Visakhapatnam.
- 6.V.Apparao,S/o.Asinayya,
aged 28 years,Laxminarayanapuram,
Salegrammapuram,Visakhapatnam.
- 7.Ch.Bhakar Rao,S/o.Yellayya,
aged 31 years,Reddy Kanuchanapalem Post,
Visakhapatnam.
- 8.D.Gopi,S/o.Venkanna,
aged 31 years,Asivaripalem,
Kanchanapalem,Visakhapatnam.
- 9.H.Trinatharao,S/o.Buddayya,
aged 31 years,Tatchatlapalam,
Visakhapatnam.
- 10.M.Apparao,S/o.Korayya,
aged 36 years,Hutmant Colony,
Nallakori,Pendurthi,Visakhapatnam.
- 11.K.Malleswara Rao,S/o.Dalayya,
aged 33 years,Tatichatlapalem,
Ganesh Temple,Visakhapatnam.
- 12.M.Malleswara Rao,S/o.Gurumurthy,
aged 36 years,Jayendra Colony,
Gandhigram,Visakhapatnam.
- 13.M.Ramu,S/o.Malla Raamu Naidu,
aged 35 years,Gavarakancharapalem,
Visakhapatnam.
- 14.K.Andrews,S/o.Joseph,
aged 40 years,Sangeevanagar,
Tatichatlapalem,Visakhapatnam.
- 15.T.Ramulu,S/o.Ramayya,

aged 36 years, Hutment Colony,
Nallakori, Pendurthi, Visakhapatnam.

16. B. Ammoru, S/o. Rangayya,
aged 44 years, Sreenagar,
Dwarakanagar, Visakhapatnam.

17. T. Yerraiiah, S/o. Appanna,
aged 38 years, Asmanpalam, 104-Area,
Visakhapatnam.

18. J. Veeraswamy, S/o. Polayya,
aged 38 years, Dharmatigram,
Visakhapatnam.

19. K. Apparao, S/o. Papayya,
aged 31 years, Malakonda,
Dhammayar, Visakhapatnam.

20. T. Gannaiah, S/o. Rajayya,
aged 42 years, Tatichatlapalem,
Visakhapatnam.

21. Ch. Simhachalam, S/o. Busayya,
aged 36 years, Kancharapalem,
Visakhapatnam.

22. H. Mukhalingam, S/o. Buddayya,
aged 33 years, Tatichatlapalem,
Visakhapatnam.

23. T. Laxmana Rao, S/o. Ellayya,
aged 38 years, Ramji Estate, Kancharapalem,
Visakhapatnam.

....Applicants.

and

1. Union of India, Rep. by its
General Manager, SE Rly,
C.R.C. Calcutta-700043.

2. Divisional Railway Manager (Mechanical),
SE Rly, Visakhapatnam.

3. Divisional Personnel Officer,
SE Rly, Visakhapatnam.

....Respondents.

PETITION FILED UNDER RULE 4(5)(A) OF CENTRAL ADMINISTRATIVE
TRIBUNAL RULES, 1987

For the reasons stated in the accompanying affidavit
it is prayed that the Hon'ble Tribunal may be pleased to
permit the applicants herein to join together and file a
single application and pass such other order or orders that
are deemed fit and necessary in the interest of justice.

HYDERABAD
DATE: 1/1/1997.

COUNSEL FOR APPLICANTS

BEFORE THE CENTRAL
ADMINISTRATIVE TRIBUNAL HYDERABAD
BENCH HYDERABAD

M.A.No. of 1997

IN

O.A.NO. OF 1997

Between:

1.Ch.Venkatarao, S/o.Appalanaidu,
aged 31 years, Gavara Kancharapalam,
Visakhapatnam and 22 others.

...Applicants.

and

1.Union of India, Rep. by its
General Manager, SE.Rly,
C.R.C.Calcutta-700043 and 2 others.

...Respondents.



PETITION FILED UNDER RULE 4(5)(A)
OF CENTRAL ADMINISTRATIVE

TRIBUNAL RULES, 1987

FILED ON:

1.7.97

FILED BY: SRI.K.K.CHAKRAVARTHY,
H.N.2-104, MARUTHINAGAR,
HYDERABAD-36.

COUNSEL FOR APPLICANTS.

8/1/97

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD.

M.A.NO.

5

OF 1997

IN

O.A.S.R.NO.

1

OF 1997

Mr. K.K. Chakravarty, for
the applicant and Mr. C.V. Nalla
Reddy for the respondent.

MA is not opposed Under

the circumstances referred to

the MA is allowed Register

the 12 and list for

admission on 6.8.97

PETITION FOR SEEKING PERMISSION
TO ADDITIONAL APPLICANTS IN A
SINGLE APPLICATION.

HGSTP
H.T.

HGRIN
H.A.

Mr. K.K. Chakravarty
COUNSEL FOR THE APPLICANTS

AND

Mr. _____

Sr. Addl. Standing Counsel
for C.G.Rlys.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD

M.A.No. of 1997
IN
ORIGINAL APPLICATION NO. OF 1997

BETWEEN:

1. Ch. Venkatarao, S/o. Appalanaidu,
aged 31 years, Gavara Kancharapalem,
Visakhapatnam.
2. B. Ramu Naidu, S/o. Appanna,
aged 43 years, Santhinagar, Visakhapatnam.
3. M. Ramu, S/o. Ramayya,
aged 35 years, Nallakori, Pendurthi,
Hutment Colony, Visakhapatnam.
4. Pakki Nanderu, S/o. Veerayya,
aged 39 years, Hutment Colony,
Nallakori, Pendurthi, Visakhapatnam.
5. K. Guruvulu, S/o. Rajayya,
aged 38 years, Reddy Tatichalapalem,
Visakhapatnam.
6. V. Apparao, S/o. Asinayya,
aged 28 years, Laxminarayanapuram,
Salegrammapuram, Visakhapatnam.
7. Ch. Bhakar Rao, S/o. Yellayya,
aged 31 years, Reddy Kanuchanapalem Post,
Visakhapatnam.
8. D. Gopi, S/o. Venkanna,
aged 31 years, Asivaripalem,
Kanchanapalem, Visakhapatnam.
9. H. Trinatharao, S/o. Buddayya,
aged 31 years, Tatchatlapalem,
Visakhapatnam.
10. M. Apparao, S/o. Korayya,
aged 36 years, Hutment Colony,
Nallakori, Pendurthi, Visakhapatnam.
11. K. Malleswara Rao, S/o. Dalayya,
aged 33 years, Tatichatlapalem,
Ganesh Temple, Visakhapatnam.
12. M. Malleswara Rao, S/o. Gurumurthy,
aged 36 years, Jayendra Colony,
Gandhigram, Visakhapatnam.
13. M. Ramu, S/o. Malla Raamu Naidu,
aged 35 years, Gavarakancharapalem,
Visakhapatnam.
14. K. Andrews, S/o. Joseph,
aged 40 years, Sangeevanagar,
Tatichatlapalem, Visakhapatnam.
15. T. Ramulu, S/o. Ramayya,

aged 36 years, Hutment Colony,
Nallakoni, Pendurthi, Visakhapatnam.

16. B. Ammoru, S/o. Rangayya,
aged 44 years, Sreenagar,
Dwarakanagar, Visakhapatnam.

17. T. Yerraiiah, S/o. Appanna,
aged 38 years, Asmanpalam, 104-Area,
Visakhapatnam.

18. J. Veeraswamy, S/o. Polayya,
aged 38 years, Dharmatigram,
Visakhapatnam.

19. K. Apparao, S/o. Papayya,
aged 31 years, Malakonda,
Dhammayar, Visakhapatnam.

20. T. Gannaiah, S/o. Rajayya,
aged 42 years, Tatichattlapalem,
Visakhapatnam.

21. Ch. Simhachalam, S/o. Busayya,
aged 36 years, Kancharapalem,
Visakhapatnam.

22. H. Mukhalingam, S/o. Buddayya,
aged 33 years, Tatichattlapalem,
Visakhapatnam.

23. T. Laxmana Rao, S/o. Ellayya,
aged 38 years, Ramji Estate, Kancharapalem,
Visakhapatnam.

....Applicants.

and

1. Union of India, Rep. by its
General Manager, SE Rly,
C.R.C. Calcutta-700043.

2. Divisional Railway Manager (Mechanical),
SE Rly, Visakhapatnam.

3. Divisional Personnel Officer,
SE Rly, Visakhapatnam.

....Respondents.

PETITION FILED UNDER RULE 4(5)(A) OF CENTRAL ADMINISTRATIVE
TRIBUNAL RULES, 1987

For the reasons stated in the accompanying affidavit
it is prayed that the Hon'ble Tribunal may be pleased to
permit the applicants herein to join together and file a
single application and pass such other order or orders that
are deemed fit and necessary in the interest of justice.

HYDERABAD
DATE: 1/1/1997.

COUNSEL FOR APPLICANTS

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD

M.A.No. of 1997

IN

ORIGINAL APPLICATION NO. OF 1997

Between:

1.Ch.Venkatarao,S/o.Appalanaidu,
aged 31 years,Gavara Kancharapalam,
Visakhapatnam and 22 others.

...Applicants.

and

1.Union of India,Rep. by its
General Manager,SE.Rly,
C.R.C.Calcutta-700043 and 2 others.

...Respondents.

AFFIDAVIT

I, K.Malleswar Rao,S/o.Dalayya,aged 33 years,
Resident of Tatichatlalalem,Ganesh Temple,Visakhapatnam,having
temporarily come down to Hyderabad, do hereby solemnly and
sincerely affirm and state as follows:

1. I am the applicant No. 11 herein and as such I am well acquainted with facts of the case. I am authorised to file this Affidavit on behalf of 22 other applicants also.
2. I along with other applicants filed the above O.A. against the inaction of the respondents 2 and 3 in not considering the case of the applicants for the post of Safai Walas in the division on par with the other employees of the society who have been absorbed in group "D" posts as illegal,arbitrary and against the law consequently directing the respondents 2 and 3 to take the applicants into the job with all the benefits.
3. In the above O.A. the cause of action and the nature of the relief claimed by all the applicants is one and the same and similar.
4. Hence it is prayed that this Hon'ble Tribunal may be pleased to permit the applicants to file single application by joining together and pass such other order or orders that are deemed fit and necessary in the interest of justice.

Solemnly affirmed and signed
before me on this 1st day of
January'97 at Hyderabad.

K. Malleswar Rao

Deputy

A. Nooh

18

Logo of Togo

19 K. అప్పారావు

20 T. శివారావు

21 CH. నింహారావు

22 H. ముఖలింగయ్య

23 T. లక్ష్మణారావు

K. Mallabeswar Rao

1 G. CH. Venkata Rao

2 G. B. Ramnair

3 M. S. Rao

4 G. P. Nandani

5 G. K. Ganesan

6. V. Venkatesh

7 చుక్క చంద్రారావు

8 D. Gopi

9 H. TRINADHARAO

10 యు. వి. ఆచార్య

11 K. Mallewarao

12 మ. వ. శ్రీరావు

13 M. S. Rao

14 K. B. S. Rao

15 T. S. Rao

16 B. S. Rao

17 G. T. Yerraidu

Reg:- Seeking Permission to
File Single Application

14

BEFORE THE CENTRAL
ADMINISTRATIVE TRIBUNAL HYDERABAD
BENCH HYDERABAD

M.A.No. of 1997

IN

D.A.NO. OF 1997

Between:

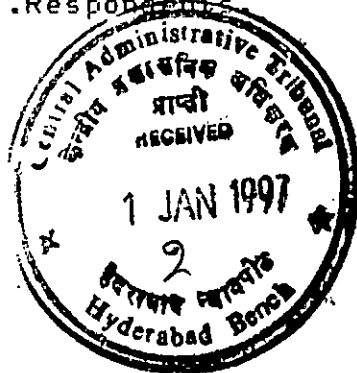
1.Ch.Venkatarao, S/o.Appalanaidu,
aged 31 years, Gavara Kancharapalam,
Visakhapatnam and 22 others.

...Applicants.

and

1.Union of India, Rep. by its
General Manager, SE.Rly,
C.R.C.Calcutta-700043 and 2 others.

...Respondents



PETITION FILED UNDER RULE 4(5)(A)
OF CENTRAL ADMINISTRATIVE

TRIBUNAL RULES, 1987

Received on
1-1-97
for C.V. Malla Reddy

FILED ON:

FILED BY: SRI.K.K.CHAKRAVARTHY,
H.N.2-104, MARUTHINAGAR,
HYDERABAD-36.

COUNSEL FOR APPLICANTS.

may be filed
on
1/1/97

o hereby undertake
to pay for a day
every day of absence
in the month of
May. Signed
1.1.97

2/1/97

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
~~HYDERABAD~~

Mr. K.K. Chakravarty, for
the applicant- and Mr. C.V. Malla
Reddy, for the respondents.

M.A.NO.

5

of 1997

IN

O.A.S.R.NO.

of 1997

HA is not opposed. Under
the circumstances referred to
the HA is allowed. Register
the OA and list for
admission on 4.2.97.

HBSTP
M.F.

HRRN
M(R).

PETITION FOR SEEKING PERMISSION
TO ADDITIONAL APPLICANTS IN A
SINGLE APPLICATION.

Mr. K.K. Chakravarty
COUNSEL FOR THE APPLICANTS

AND

Mr. _____

Sr. Addl. Standing Counsel
for C.G.Rlys.