

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.812/99

Date of Order : 6.1.2000

BETWEEN :

D.Yadagiri .. Applicant.

AND

1. The General Manager,  
S.C.Railway, Rail Nilayam,  
Secunderabad.

2. Divisional Rail Manager,  
S.C.Railway, Sanchalan Bhavan,  
Secunderabad.

3. The Chief Personal Manager,  
Rail Nilayam, S.C.Railway. .. Respondents.

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Counsel for the Applicant .. Mr. K.Jai Raj

Counsel for the Respondents .. Mr. J.R.Gopala Rao

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CORAM :

HON'BLE SHRI D.H.NASIR : VICE CHAIRMAN

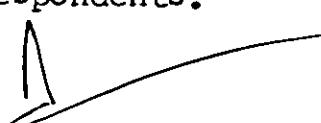
HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr. K.Jai raj, learned counsel for the applicant  
and Mrs. Shakthi for Mr. J.R.Gopala Rao, learned standing  
counsel for the respondents.



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2. The applicant in this OA was engaged as a Bunglow Peon under the Divisional Railway Manager, Vijayawada on 30.12.96. He continued there upto 9.6.97. Subsequently he was transferred to Lalaguda Workshop and joined as a Bunglow Peon on 10.6.97 and he continued in that capacity till 17.8.97. Thereafter he was engaged as a Bunglow Peon under one Shri R.K.Gupta till he was terminated on 25.5.98. The memo engaging him as Bunglow Peon is at Annexure-1, page-6 to the OA. He was terminated by order No.P(E)/677/Peon/10, dated 25.5.98 (A-4).

3. This OA is filed to set aside the termination order dated 25.5.98 and for reengaging him as a Group-D staff either casual or on regular basis.

4. The applicant relies on para-2 of the memorandum dated 30.12.96 (A-1) to state that he has to be regularised, if he has not completed 3 years of regular service, ~~but~~ at least he should be continued as casual labour till his services are regularised. ~~and his services~~ <sup>will</sup> abruptly terminated even by issuing notice by termination.

5. A reply has been filed in this OA. The main point to be noted in the reply is that due to transfer of Sri R.K. Gupta the applicant has not having completed 3 years of service as Sub Bunglow Peon, <sup>His</sup> ~~his~~ services were terminated by impugned order dated 25.5.98 following the extant rules in this connection. However, his name has been kept in the live register and his case for reengagement will be considered

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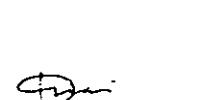
as and when his turn comes. When the respondents submit that his name has been kept in the live register they should have supported it by giving the serial number in which ~~register~~ his name is kept and also the unit in which his name has been kept in the live register. It is preferable that also the respondents should have ~~given~~ indicated the time frame, <sup>by which</sup> he will be reengaged as casual labour or his services will be regularised. But the respondents are very silent about those details. Merely saying that his name is kept in the live register is not ~~sufficient~~ adequate.

6. In view of the above submission, if a direction is to be given to the respondents to reengage him atleast in a casual post within a period of 6 months from the date of receipt of a copy of this order. That will afford some livelihood to the applicant.

7. The OA is ordered accordingly. No costs.



( R.RANGARAJAN )  
Member (Admn.)

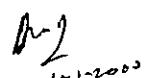


( D.H.NASIR )  
Vice Chairman

Dated : 6th January, 2000

(Dictated in Open Court)

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1/1/2000