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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

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O.A.No.153/99

Date of Decision: 03-03-2000.

Syed Khadir Ahmed

.. Applicant.

Vs

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

.. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.V.Bhimanna, SC for Rlys.

CORAM:-

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

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

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ORDER

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and  
Mr.V.Bhimanna, learned counsel for the respondents.

2. The applicant in this OA was engaged as a Catering Cleaner in V.R.R.  
Tirupathi through contractor with effect from 01-08-1987. His services were terminated  
on 13-04-1991 when he had put in continuous service of 467 working days. In view of the  
Hon'ble Supreme Court judgement the Catering Cleaners are to be absorbed in railways





and thereby making them departmental employees. The case of the applicant was also considered but his case was rejected on the ground that he is over age.

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 regularizing his services with all consequential benefits in view of the Hon'ble Supreme Court judgement reported in AIR 1991 (SC) 26.

4. In the reply it is seen that a provisional seniority list of contract labours of Catering department was prepared and published vide letter No.G/P.407/TV/OA.988/92 dated 2-5-1995 (Annexure R-2 to the reply). As the applicant was over age even after the ~~regularization~~ <sup>addition</sup> to the extent of service as contract catering cleaner his name did not figure in the seniority list. It is also stated that the applicant has not made out any representation against the seniority list at that time. Hence, the respondents submit that the applicant has not made out a case.

5. The learned counsel for the applicant submits that the applicant had worked as contract catering cleaner for a long time and the reported Hon'ble Supreme Court judgement does not stipulate any age restriction for absorbing the catering cleaners worked with contractors while absorbing them as railway employees in the reported judgement. Hence, the case of the applicant has to be considered for absorbing him as regular departmental railway employee in accordance with the Hon'ble Supreme Court judgement.

6. In a similar OA viz., OA.313/92 disposed of on 18-08-93 it was held that weightage for the service put in by the contract cleaners with the contractors should be given for regularization if they are over age on the date of screening. That is the view held in number of cases when regularization of the casual labourers came up for consideration. Hence, similar direction has to be given in this OA also for considering the age of the applicant for screening him for absorption in the railway. Even after giving weightage to the service rendered by the applicant as catering cleaner with the contractors if he is over age the applicant is at liberty to file a representation to the General Manager, SC Railway for giving him age relaxation in view of his service rendered by him with the contractors and also quoting reference of the Hon'ble Supreme Court in this connection.

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7. In the result, the following direction is given:-

The services rendered by the applicant under the contractor should be deducted from the maximum age of the applicant on the date of issue of the notification to see whether the applicant fulfills the age qualification. If he fulfills the age qualification as above he should now be screened and kept in the list for regular absorption. Even after giving weightage to the service rendered by the applicant under the contractor as indicated above if he is over age then the applicant is at liberty to approach the General Manager, SC Railway for relaxation of age for the reasons which he considered as fit for giving him age relaxation.

8. With the above direction the OA is disposed of. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER(JUDL.)

  
(R. RANGARAJAN)  
MEMBER(ADMN.)

3.3/2

Dated: The 3<sup>rd</sup> March, 2000.  
(Dictated in the Open Court)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH.  
HYDERABAD.

1ST AND 2ND COURT

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

COPY TO

1. HON'BLE

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

2. HON'BLE ( ADMN ) MEMBER. THE HON'BLE MR. R. RANGARAJAN  
MEMBER ( ADMN )

3. HON'BLE M. (JUDL)

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

4. D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER

3/3/00

MA/RA/CF.NO

IN

G.A. NO. 153/00

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO

Central Administrative Tribunal

प्रेषण / DESPATCH

10 MAR 2000

HYDERABAD BENCH