

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 26/99.

Dt. of Decision : 17-02-99.

G.Sam Sadguna Raj

.. Applicant.

Vs

1. The General Manager,
(Rep. Union of India),
SC Rly, Rail Nilayam,
3rd Floor, Sec'bad-71.
2. The Divl. Rly. Manager,
SE Rly, Divisional Office,
Guntakal.

.. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.K.Siva Reddy, SC for Rlys.

CORAM:-

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

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

ORDER

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant. None for the respondents.

2. Notice before admission was issued in this OA on 8-1-99. But no reply has been filed. This OA came up for consideration on 5-2-99, the respondents counsel was not present. Even till to-day no reply has been filed.

3. The applicant in this OA submits that he was initially engaged as Casual Labour in Electrical Department from various dates from 19-9-81 to 10-4-82 and then from 21-11-84 to 15-1-85 by the Divisional Electrical Engineer (Con), Guntakal after he underwent the medical test.

4. The applicant filed OA.29/95 which was enclosed as Annexure-VI to the OA. In that OA certain observations ^{were} ~~are~~ made ~~and~~ giving liberty to the applicant to produce his casual labour service cards to the concerned authorities and ask for entry of his name in the appropriate live register and claim for any further relief for engagement etc. It is stated that the applicant in pursuance of the direction ~~he~~ had submitted the casual labour service card and he was replied by the impugned letter No.G/P.407/VII/FER. dated 19-5-98 (Annexure-I) that during the period from 19-9-81 to 10-4-82 he was under the control of Permanent Way Inspector (Construction) Southern Railway/Dharmavaram and hence he has to register his name with the authorities of Southern Railway Construction organisation for inclusion of his name in the live register and for engagement. Further he was informed that his engagement in the Electrical Department from 21-11-84 to 15-1-85 does not have the approval of competent authority for consideration in Guntakal Division.

-3-

5. This OA is filed to set aside the impugned order No.G/P.407/VII/FLR dated 19-6-98 (Annexure-I) whereby his claim for restoring his name on the live register was rejected and for a consequential direction to the respondents to restore his name in the live register and also to re-engage him as Casual Labour with all consequential benefits.

6. The applicant has filed service certificate dated 21-7-98 signed by the Electrical Foreman (Construction) (Annexure-IV). It is stated ~~that~~ in the certificate that the applicant had worked as ELR Khalasi from 21-11-84 to 15-1-85 and thereafter he was stopped for want of sanction. It is also stated that the name of the applicant was ^{featuring} ~~entering~~ in Live Register in that office and the particulars furnished in the ELR Register is genuine and correct.

7. Though the impugned order states that his engagement in the Electrical Department cannot be considered as ^{it} he did not have approval of the competent authority, ^{it} ~~it~~ is not understood how his name was included in the live register. Having included his name in the live register to reject his case ^{now} ~~on~~ the ground that his engagement as ELR Khalasi in the Electrical Department is irregular ~~and~~ cannot be accepted. Hence, it has to be held that he was engaged in the Electrical Department during the period from 21-11-84 to 15-1-85 after obtaining proper approval and because of that only his name had been entered in the live register as stated in the service certificate enclosed as Annexure-IV.

3

..4/-


D

-4-


8. In view of the above, R-2 should check the Live Register as indicated in the Service certificate enclosed as Annexure-IV and if the name of the applicant is found in the Live Register his case should be ^{treated} considered as an ex-casual labour whose name is in the live register for further engagement and other consequential benefits accordingly.

9. Time for compliance is 2 months from the date of receipt of a copy of this order.

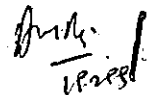
10. The CA is ordered accordingly. No costs.


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

17.2.99


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 17th Feb. 1999.
(Dictated in the Open Court)


B. S. Jai Parameshwar

spr

11/3/99

Ist and IInd Court.

Copy to:

1. HDHND
2. HHRD M(A)
3. HDSJP M(J)
4. D.R.(A)
5. SPARE

Typed By
Compared by

Checked by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:HYDERABAD.

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

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

THE HON'BLE R. RANGARAJAN
MEMBER (A)

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

DATED: 17/2/99

ORDER/JUDGMENT

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

IN

D.A.NO : 26/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED.

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

6 SIX COPY

