

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00215/2021

Thursday, this the 3rd day of June, 2021.

CORAM:

**HON'BLE Mr. P. MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr. K.V. EAPEN, ADMINISTRATIVE MEMBER**

V.A. Krishnan, aged 56 years,
S/o. Andy, Motor Vehicle Driver,
O/o. Senior Section Engineer/Works/Southern Railway,
Railway Colony, Hemambika Nagar, Palakkad – 678 009.
Residing at : Vellamkunnu House, R.S. Road,
Mankara (P.O), Palakkad District – 678 613. - Applicant

[By Advocate : Mr. T.C. Govindaswamy]

Versus

1. Union of India, represented by
The General Manager, Southern Railway,
Headquarters Office, Park Town (P.O.),
Chennai – 600 003.
2. The Divisional Railway Manager,
Southern Railway, Palakkad Division,
Palakkad – 678 002.
3. The Senior Divisional Personnel Officer,
Southern Railway, Palakkad Division,
Palakkad – 678 002. - Respondents

[By Advocate : Mr. Sunil Jacob Jose]

The application having been heard on 03.06.2021, the Tribunal on the same day delivered the following:

ORDER

Per: Mr. P. Madhavan, Judicial Member

The applicant filed this O.A seeking the following reliefs:-

“i. Declare that the non-feasance on the part of the respondents to grant the applicant the benefit of absorption on par with his juniors in the list of retrenched casual labourers in terms of Annexure A-1 & A-2 is arbitrary, discriminatory, contrary to law and hence, unconstitutional;

ii) Direct the respondents to grant the applicant the benefit of absorption as Track maintainer as directed in Annexure A-1 reiterated by Annexure A-2, with arrears of pay and allowances and direct the respondents further to pay interest @ 9% per annum on the arrears of

pay and allowances with effect from the date from which the arrears became due month after month, till the date the same is paid in final settlement.”

2. Heard Mr. T.C. Govindaswamy, learned counsel appearing for the applicant. Mr. Sunil Jacob Jose, learned Standing Counsel for the Railways takes notice.
3. When the matter came up for consideration, the respondents counsel submit that the cause of action has taken place many years back and it is not proper to admit such claims. But counsel for the applicant submits that bar of limitation can be decided on merits.
4. Heard. It appears that a representation given by the applicant as Annexure A-3 is pending at the end of the respondents. Applicant has a right to get a reply on the same. Hence, we direct the Competent Authority to consider Annexure A-3 representation as per law and pass a speaking order within a period of three months from the date of receipt of a copy of this order. It is hereby clarified that the disposal of representation will not give rise to any fresh cause of action.
5. With the above direction, O.A is disposed of at the admission stage without going into the merits of the case.

(Dated, 3rd June, 2021.)

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

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Applicant's Annexures

- Annexure A-1 - True copy of the order dated 22.09.2004 in O.A No. 251/2004 rendered by this Hon'ble Tribunal.
- Annexure A-2 - True copy of order dated 02.08.2005 passed in O.A No. 203/2005 rendered by this Hon'ble Tribunal.
- Annexure A-3 - True copy of the representation dated 03.08.2020 submitted by the applicant addressed to the 3rd respondent.

Annexures of Respondents

NIL
