

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 427 of 1992
~~T. A. No.~~

DATE OF DECISION 1-4-1992

CK Ajeeth Applicant (s)

Asok M Cherian Advocate for the Applicant (s)

Versus

Dy. Chief Engineer(C), Respondent (s)
S.Rly, Ernakulam & 5 others

M/s MC Charian & TA Rajan Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. PS HABEEB MOHAMED, ADMINISTRATIVE MEMBER

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *Yes*
4. To be circulated to all Benches of the Tribunal? *Yes*

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

The applicant is a Casual Labour who was engaged in the Construction work of Alleppey Ernakulam line under the second respondent. While he was on sick leave, by the impugned order at Annexure-A1 dated 16.5.1991, the second respondent re-deployed 77 Casual Labourers including himself to work under the Executive Engineer, Construction, Alleppey and Kayamkulam. His grievance is that while the respondents 1-3 have retained respondents 5&6, who are juniors to the applicant at Ernakulam itself, his re-deployment to Kayamkulam is highly discriminatory and arbitrary. Therefore, the applicant prays that the impugned order at Annexure-A1 may be set aside to

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the extent to which he is sent on re-deployment to Kayamkulam in preference to his juniors, respondents 5&6.

2. When the application came up for admission, the learned counsel for the respondents sought for some time to get instruction in the matter. After getting instruction, the learned counsel submitted that the re-deployment of the Casual Labourers become essential as the work of construction of Ernakulam-Alleppey line was over and to avoid retrenchment, they had to be re-deployed to work in the construction of Alleppey-Kayamkulam line. The retention of respondents 5&6 at Ernakulam is sought to be justified on the ground that their services as Caretaker in Guest House and in office have been found to be essential.

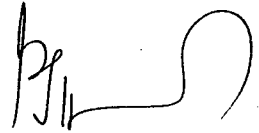
3. Having heard the counsel on either side, we do not propose to interfere with the impugned order. We are ~~are~~ of the view that the application can be disposed of with a direction to the applicant to make a representation to the 1st respondent after his reporting back from sick leave and with a direction to the 1st respondent to consider the representation and to dispose of the same within a reasonable time. In the circumstances, we admit the application and dispose of the same with a direction to the applicant to make a representation to the 1st respondent on his reporting back for duty after sick leave and with a direction to the 1st respondent to consider the grievance of the applicant reflected in the representation and to take an appropriate decision within a period of two weeks from the date of receipt of such represen-

Signature: 

tation. There is no order as to costs.



(AV HARIDASAN)
JUDICIAL MEMBER



(PS HABEEB MOHAMED)
ADMINISTRATIVE MEMBER

1-4-1992

trs