

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 439 of 2008

Tuesday, this the 26th day of May, 2009

CORAM:

Hon'ble Mr. George Paracken, Judicial Member

P. Mohamed, aged 44 years,
 S/o. P. Moosa, (Ex-Casual Labourer,
 Southern Railway, Madurai Division,
 Madurai, Residing at : Poothath House,
 Vellipparamba, Calicut.

Applicant

(By Advocate – Mr. T.C. Govindaswamy)

V e r s u s

1. Union of India, represented by the
 General Manager, Southern Railway,
 Headquarters Office, Park Town P.O.,
 Chennai-3.

2. The Divisional Railway Manager,
 Southern Railway, Madurai Division,
 Madurai.

3. The Divisional Personnel Officer,
 Southern Railway, Madurai Division,
 Madurai.

Respondents

(By Advocate – Mr. Thomas Mathew Nellimoottil)

The application having been heard on 26.5.2009, the Tribunal on the same day delivered the following:

O R D E R

Applicant's grievance in this case is that the 2nd respondent has not absorbed him as a Trackman (Group-D). The admitted facts in this case are that the applicant is a retrenched casual labour of Madurai Division of Southern Railway and a permanent resident of Calicut, Kerala. He has 259 days of casual service in his credit and his name has already been registered at Sl. No. 358 in the live register of the retrenched casual labourers.

(Signature)

According to the 2nd respondent, the applicant has not availed four chances given to all such retrenched casual labourers to appear before the screening committee for empanelment. They have stated that they have initially issued notification No. U/P.564/I/WP/MDU/2003 dated 25.3.2003 to fill up 133 posts of Trackman in the scale of Rs. 2610-3540/- released by the Department from among the casual labourers borne in the live register from serial No. 1-426. Again further notifications were issued on 14.5.2003, 20.10.2003 and 1.3.2004. The applicant has not responded to any of those notifications and have not appeared for the screening.

2. Learned counsel for the applicant has submitted that the applicant is a resident of Calicut (Kerala) and notifications have been issued at Madurai. He has never been informed personally about the aforesaid screening test and therefore, he did not come to know about it.

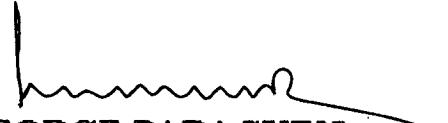
3. Shri T.C. Govindaswamy, learned counsel for the applicant has also relied upon the orders of this Tribunal in OA No. 970 of 2001 dated 28.5.2002 and order in OA No. 77 of 2003 dated 26.9.2003 in which similar cases have been considered and allowed by directing the respondents to consider absorption of those applicants against Group-D posts at par with other persons who have been absorbed subjecting them to pre-appointment formalities like screening etc.

4. In my considered opinion this OA is also covered by the aforesaid decisions of this Tribunal. I therefore, allow this Original Application and direct the respondents to subject the applicant for the pre-appointment screening. If the applicant is found suitable for appointment on such screening, he should be absorbed as a regular Group-D employee. However, considering the inordinate delay in approaching this Tribunal for redressal of his grievance, the applicant shall be granted notional seniority for the Group-D cadre only from the date he has made the representation for absorption i.e. on 25.2.2008. The respondents shall implement the aforesaid order within a period of two months from the date of receipt of a copy of



this order.

5. With the aforesaid direction this OA is disposed of. There shall be no order as to costs.



(GEORGE PARACKEN)
JUDICIAL MEMBER

"SA"