

Central Administrative Tribunal  
Ernakulam Bench

Date of decision: 2-3-1990

Present

Hon'ble Shri S.P.Mukerji, Vice Chairman  
&  
Hon'ble Shri A.V.Haridasan, Judicial Member

Original Application No.45/89

S.Mony

D.Sahadevan

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Applicants

V.

1. Union of India, represented  
by the General Manager,  
Southern Railway, Madras.

2. The Divisional Personnel  
Officer, Southern Railway,  
Trivandrum.

3. Inspector of Works,  
Southern Railway,  
Trivandrum.

4. Senior Divisional Engineer,  
Southern Railway,  
Trivandrum.

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Respondents

M/s K Vijayan &  
PK Madhusoodhanan

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Counsel for the  
applicants

Mrs Sumathi Dandapani

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Counsel for the  
respondents

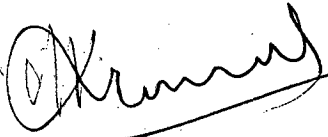
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(Shri S.P.Mukerji, Vice Chairman)

We have heard the learned counsel for both the parties on this application in which the 2 applicants who have been working as Skilled Artisans have protested against their empanelment and regularisation as Gangman in accordance with the impugned order dated 12.12.1988 at Annexure-III. This application is similar to a number of other applications which have been disposed of on the basis of

the respondents agreeing to maintain status quo of the skilled casual workers where they indicated their unwillingness to be regularised as Gangman in writing. In that case the casual workers would be subjected<sup>ing</sup> themselves to the risk of being retrenched in case they are not absorbed in the skilled category before the occasion for their retrenchment, in accordance with law, materialises.

2. In view of the decisions taken by the Tribunal accepting the aforesaid contention of the respondents, we allow this application to the extent of setting aside the impugned order dated 12.12.1988 at Annexure-III in so far as the two applicants are concerned and direct that this application should be taken to be an expression of the applicants' unwillingness to be absorbed as Gangman and on that basis the respondents should retain them in their present status of casual workers, subject to their being retrenched in accordance with law. They will however, be entitled to promotions in their own hierarchy of skilled artisans in accordance with law, if they continued to be in the present assignment by the time their turn comes.

  
(A.V. HARIDASAN)  
JUDICIAL MEMBER

  
(S.P. MUKERJI)  
VICE CHAIRMAN

2-3-1990

trs