

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.461/04

Wednesday this the 23rd day of June 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

1. A.Manoharan,
S/o.Bhaskaran Nair,
Salesman, Southern Railway Employees
Consumer Cooperative Society Ltd.,
Mangalore.
2. G.Charles,
S/o.Gnanasundaram,
Manager, Southern Railway Employees
Consumer Cooperative Society Ltd.,
Mangalore.
3. Smt.P.Harinakshi,
D/o.P.Karunan,
Sales Clerk, Southern Railway Employees
Consumer Cooperative Society Ltd.,
Mangalore.

Applicants

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by
the General Manager, Southern Railway,
Head Quarters Office, Park Town P.O.,
Chennai - 3.
2. The Chief Personnel Officer,
Southern Railway, Head Quarters Office,
Park Town P.O., Chennai - 3.
3. The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.
4. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
5. The Railway Board, Rail Bhavan,
New Delhi - through its Secretary.

Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 23rd June 2004 the
Tribunal on the same day delivered the following :


O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The applicants three in number are employees of the Southern Railway Employees Consumer Cooperative Society Ltd. Mangalore. Their grievance is that although there is a proposal for considering the absorption of persons similarly situated like the applicants in the service of the Railways and many other Railways have been so absorbed the case of the applicants for absorption has not been considered and decision taken despite the fact that their details having been forwarded to the 1st respondent. Finding that no decision has been taken in their matter the applicants submitted Annexure A-6 representation dated 10.11.2003 to the 1st respondent which has not been considered and disposed of. Under these circumstances the applicants have filed this application for a declaration that the nonfeasance on the part of the respondents to consider, and to absorb the applicants as Group D employees as provided in Annexure A-1 is arbitrary, discriminatory and unconstitutional and for a direction to the respondents to consider and to absorb the applicants against Group D vacancies.

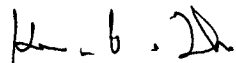
2. When the application came up for hearing Shri.Thomas Mathew Nellimoottil appeared for the respondents. Learned counsel on either side agree that the application may be disposed of directing the 1st respondent to consider Annexure A-6 representation of the applicants and to give them an appropriate reply within a reasonable time.

3. In the light of the above submissions the application is disposed of directing the 1st respondent to consider Annexure A-6



representation of the applicants and to give them an appropriate reply within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

(Dated the 23rd day of June 2004)



H.P.DAS
ADMINISTRATIVE MEMBER

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A.V.HARIDASAN
VICE CHAIRMAN