

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.463/98

Friday this the 3rd day of April, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

N.Abdul Kareem,
LTI No.FK/24, CPC Pump Driver,
Section Engineers Bridges Office,
Southern Railway, Cannanore. ...Applicant

(By Advocate Mr. R.K.Venu Nair (represented)

Vs.

1. Union of India, represented by General Manager,
Southern Railway, Madras.3.
2. Divisional Railway Manager (personnel)
Southern Railway, Palakkad.
3. Section Engineer (Bridges)
Southern Railway, Cannanore. ...Respondent

(By Advocate Mrs. Sumati Dandapani)

The application having been heard on 3.4.98, the Tribunal
on the same day delivered the following:

O R D E R

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

The applicant who is working as CPC Pump Driver
(Casual) under the third respondent was empanelled for
absorption as Gangman earlier in the year 1991. He
declined the offer of appointment as Gangman and continued
as CPC Pump Driver. On a later occasion also he declined
such an offer. Now by the impugned order A3 he was
empanelled as a Gangman. His name is at Sl.No.21.
According to the applicant his health condition does not
permit him to accept the regular job of Gangman and he is
entitled to be continued as C.P.C Pump Driver (Casual)
with a right to be appointed straightaway in a Group 'C'
post against the 25% quota reserved for direct absorption
of Skilled Artisan. He has also alleged that persons

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similarly situated like him while empanelled as Gangman filed O.A.713/97 for having their names deleted from the list of empanelment and that O.A. was allowed deleting their names. The applicant therefore, prays that his name also may be deleted from the empanelment list setting aside the orders A2 and A3 to the extent it affects the applicant and allowing him to continue as a CPC Pump Driver till such time he is absorbed against the vacancies of regular Pump Driver in a Skilled Grade.

2. The respondents contend that at the moment there is no vacancy of regular Pump Driver on which the applicant could be absorbed, that the respondents have no objection if the applicant wishes to continue as a CPC Pump Driver (Casual) undertaking the risk of retrenchment and deleting his name from the list of empanelment A3. Learned counsel for the applicant states that the applicant would be satisfied if the applicant is allowed to continue as a CPC Pump Driver till such time he is regularly absorbed on a Group 'C' post in his turn and subject to the risk of retrenchment.

3. In the light of what is stated above, the application is disposed of allowing the request of the applicant to the extent of allowing him to continue as a CPC Pump Driver (Casual) at the risk of retrenchment for want of work and directing the deletion of the name of the applicant from the A.3 empanelment list. There is no order as to costs.

Dated the 3rd day of April, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A-2 : Memorandum issued by the Divisional Office, Personnel Branch, Palghat, S.Rly., No.J/p.564/IX/Screening/95-96 dt. 26-3-97.
2. Annexure A-3 : Office order No.JW 11/73/97 issued by Divisional Office, Personnel Branch, Palghat, S.Rly., No.J/P.564/IX/screening/95/96 Dt. 6-5-97.

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