

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.483/97

WEDNESDAY this the 9th day of April, 1997.

CORAM

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

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. S.Mony, Blacksmith, Southern Railway, Trivandrum.
2. K.Viswambharan, Carpenter -do-
3. Sadasivan Nair, K, Brick Layer -do-
4. K.Achuthan, Brick Layer, -do-
5. D.Sahadevan, Brick Layer -do-
6. G.Raju, Technical Mate^f, -do-
7. S.Krishnan Nair, Plumber -do-
8. K.Sreekantan, Carpenter -do-
9. M.Murugan, Carpenter -do-
- 10.Lixon George, Technical Mate. -do- Applicants

(By Advocate Mr. P.K.Madhusoodhanan)

Vs.

1. Union of India represented by the General Manager, Southern Railway, Park Town, Madras.3.
2. The Senior Divisional Personnel Officer, Southern Railway, Trivandrum.23.
3. Section Engineer (Works), Southern Railway, Trivandrum.23.
4. Section Engineer (Works), Southern Railway, Quilon. ... Respondents

(By Advocate Mrs. Sumati Dandapani)

The application having been heard on 9.4.1997, the Tribunal on the same day delivered the following:

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O R D E R

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

The grievance of the applicants who are working as Skilled Artisan in the scale of pay of Rs.950-1500 and Rs.1200-1800 under the respondents is that even though they have been working as such on a casual basis for a large number of years, against their wish they are being posted as Gangman by the impugned order dated 24.3.97 (A3). Though in earlier cases there have been directions from the Tribunal to allow the casual Skilled Artisan to continue as such and not to absorb them on the post of Gangman, against their wish the impugned order is now passed. Therefore they have filed this application impugning the A3 order dated 24.3.97 for a direction to respondents to retain the applicants in their respective trades in the pay scale Rs.950-1500 and Rs.1200-1800. They have also prayed for a direction to the respondents to absorb them in the respective trade in accordance with law in the existing vacancies of Skilled Artisan in the Trivandrum Division. It has been alleged in the application that applicants 1&5 had while attempted to be posted as Gangman against their wish filed OA 45/89 before this Tribunal and by its judgment dated 2.3.1990 the Tribunal directed the respondents to allow the applicants therein to continue as a Skilled Artisan, subject to their being retrenched in accordance with law and to consider them for promotion in their own hierarchy of Skilled Artisan. Similar orders have been obtained by some of the applicants herein.


contd....



2. When the application came up for admission today, the learned counsel for respondents submitted that the impugned order was issued because though considerable time has elapsed, vacancies did not arise in the skilled grade for the applicants to be absorbed and as there are large number of vacancies of Gangman, respondents thought that the applicants would now be given an offer to get absorbed in the regular service. If the applicants do not wish to avail of this opportunity, the respondents have no objection in recalling the order and allowing the applicants to continue as Skilled Artisan on a casual basis subject to the risk of being retrenched in accordance with law.

3. In the light of the above submission of the learned counsel for the respondents no controversy remains to be settled. The application is therefore disposed of setting aside the impugned order to the extent it affects the applicants. Respondents are directed to allow the applicants to continue in their present assignment subject to the risk of retrenchment if need be and to consider their absorption in the respective grades in accordance with law in their turn. No order as to costs.

Dated the 9th day of April, 1997.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

ks.

List of Annexure

Annexure A-3 : True copy of the order dt.24-3-1997
No.V/P-407/I/Emp/Vol.IV issued by the
2nd respondent.
