

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 505 of 1995

Wednesday, this the 10th day of September, 1997

CORAM

HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. AM SIVADAS, JUDICIAL MEMBER

1. M.G. Latha, Ex-Casual Labourer,
Southern Railway, Trivandrum Division,
Residing at Door No.29/968, Gokulam,
L.M. Pailee Road, Vyttila PO,
Kochi - 682 019 .. Applicant

By Advocate Mr. T.C. Govindaswamy

Versus

1. Union of India through the General Manager,
Southern Railway, Headquarters Office,
Park Town PO, Madras-3
2. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town PO, Madras-3
3. The Divisional Railway Manager,
Southern Railway, Trivandrum-14
4. The Divisional Personnel Officer,
Southern Railway, Trivandrum-14
5. R.N. Sivathanu Pillai, Through the
Ex-Substitute Sweeper 'cum Porter, Divisional Personnel
Under Traffic Inspector/Quilon. Officer, Southern
Railway, Trivandrum
Division,
Trivandrum-14
6. N. Sasidharan Pillai, "
Ex-Substitute Sweeper cum Porter, "
Under Traffic Inspector, "
Trivandrum Central. "
7. M. John, Ex-Substitute Sweeper "
cum Porter, Under Traffic "
Inspector/Quilon. "
8. L. Vasantha Kumar, "
Ex-Substitute Sweeper cum Porter, "
Under Traffic Inspector/Quilon. "
9. B. Krishnan Kutty, "
Ex-Substitute Sweeper cum Porter, "
Under Traffic Inspector/Quilon. "
10. B. Dinesan, "
Ex-Substitute Sweeper cum Porter, "
Under Traffic Inspector/Ernakulam. "
11. Regional Labour Commissioner (Central), .. Respondents
Kalathi parambil Road, Ernakulam.

By Advocate Mrs Sumathi Dandapani (R1-4)

contd.

The application having been heard on 10-9-1997, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

When the application came up for hearing, learned counsel on both sides submitted that in an identical matter in OA No. 205 of 1995 the Tribunal had held as follows:

"It is clear that the issues in this application call for a fact adjudication which is made almost impossible by the paucity of pleadings before us and the total confusion which is reflected in the records produced by the Railways. Under these circumstances, though we find considerable force in the contentions of applicant, we are unable to grant any relief. The counsel on both sides agreed that the matter may be placed before the sixth respondent, Regional Labour Commissioner (Central), Kochi, for a fact adjudication on the applicant's position in the live register and her position with respect to other persons who were engaged along with her in A-2 and her position with reference to the petitioners who were before the High Court of Kerala in A-5. Sixth respondent will consider the matter and make a fact adjudication. Respondent Railways will place the matter before the sixth respondent. Respondents 1 to 4 shall consider the claim of applicant for re-engagement/absorption as expeditiously as possible, in the light of the findings of the sixth respondent."

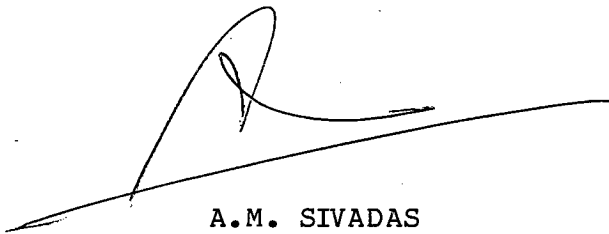
2. Following the decision in the above OA, we direct the respondent Railways to place the matter before the 11th respondent for a fact adjudication on the applicant's position in the live register and her position with respect to other persons who were engaged along with her and her position with reference to the petitioners who were before the High Court of Kerala in A-6. The 11th respondent will consider the matter

contd.

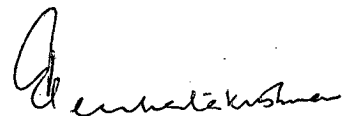
and make a fact adjudication as expeditiously as possible. The respondent Railways shall consider the claim of the applicant for re-engagement/absorption in the light of the findings of the 11th respondent.

3. The application is disposed of as aforesaid. No costs.

Dated the 10th of September, 1997



A.M. SIVADAS
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

ak/109

LIST OF ANNEXURE

Annexure A-6 : Judgement in O.P. No.3357/85-N dated
31-10-85 delivered by Hon'ble High Court
of Kerala.
