

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 508/2000.

Thursday this the 13th day of September 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

K.P.Gopi, Works Mate,
Office of the Deputy Chief Engineer,
Construction/Southern Railway,
Trivandrum.

Applicant

(By Advocates S/Shri T.C.Govindaswamy, KM Anthru and Martin G.Thottan)

Vs.

1. The Union of India, represented by the General Manager, Southern Railway, Head Quarters Office, Park Town P.O., Madras-3.
2. The Chief Engineer, Construction, Southern Railway, Egmore, Madras-8.
3. The Chief Personal Officer, Southern Railway, Madras-3.
4. The Deputy Chief Engineer, Construction, Southern Railway, Trivandrum.
5. The Divisional Railway Manager, Southern Railway, Mysore Division, Mysore.
6. The Chief Administrative Officer, Southern Railway, (Construction) Egmore, Madras-8.

Respondents

(By Advocate Shri Thomas Mathew Nellimoottil)

The application having been heard on 13th September 2001
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 commenced his service as casual labourer under the Construction Organisation of Southern Railway in 1975 was absorbed as a Gangman in the scale of

Rs.775-1025 in 1981. Thereafter on his request he was transferred to the Construction organisation again in the lower scale of Rs.750-1140 as Lascar. He has been promoted as Workmate on ad-hoc basis. His grievance is that by the impugned order A-1, he has been repatriated to Mysore division as Gangman. It is alleged in the application that the applicant having been continued in the Construction Organisation since 1994, is not liable to be repatriated while juniors have been retained in the Construction Organisation. The applicant therefore, seeks to set aside the impugned orders to the extent it affects him and to direct the respondents to grant him consequential benefits.

2. The respondents resist the claim of the applicant. They contend that the applicant has been repatriated to Mysore Division as Gangman where he is holding a lien on the post, as his retention in the Construction Unit is found unnecessary on account of curtailment of work. They contend that the applicant has not been appointed on any regular post in the Construction organisation and no junior of the applicant has been retained.

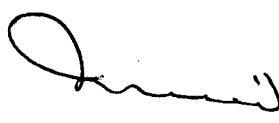
3. We have heard the learned counsel on either side. The applicant has not been able to show that the applicant has been appointed on a substantive post of Lascar on a regular basis in the Construction Organisation. The applicant basically is a Gangman though working as a Workmate on ad-hoc promotion in the Construction organization. When there is curtailment of work, the respondents have no option but to repatriate the applicant. As the applicant has not been able to substantiate his case

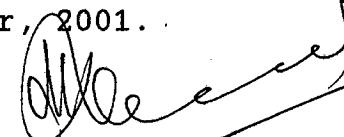
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that any person junior to the applicant has been retained in the Construction organisation when the applicant was repatriated, we do not find any reason to interfere in this matter.

4. In the light of what is stated above, finding no merit, the application is dismissed leaving the parties to bear their own costs.

Dated the 13th September, 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

1. Annexure A1 : True copy of the office Order No.42/2000/TS, dated 10.4.2000.
2. Annexure A2 : True copy of the office Order No.60/90 dated 3/8-11-90.
3. Annexure A3 : True copy of the office order No.27/97/TS dated 27.2.97.
4. Annexure A4 : True copy of the office order No.C/39/97 dated 7.10.97.
5. Annexure A5 : True copy of the office order No.62/98/TS dated 5.6.98
6. Annexure A6 : True copy of the office order No.94/95/TS dated 7.9.95.
7. Annexure A7 : True copy of the Memorandum No.P.524/CN/TVC dated 21.7.99.
8. Annexure A8 : True copy of the office order No.57/99/TS dated 9.6.99.
9. Annexure A9 : True copy of the Railway Board Order bearing No.E(NG)/III-69/D/42 dated 24-12-1973.
10. Annexure A10: True copy of the Railway Board Order No.E(NG)/I-74 CFP/40 dated 17.9.1974.
11. Annexure A11: True copy of the Office order No.191/92/TS dated 17.12.92.
12. Annexure A12: True copy of the letter No.P(CN)135/I Construction reserve dated 24.3.1982.

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