

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 514 1993.

DATE OF DECISION 26.3.93

R. Gandhi and others Applicant (s)

Mr. P. Sivan Pillai Advocate for the Applicant (s)

Versus

Union of India through the Respondent (s)
General Manager, Southern Railway
Madras and others

Mr. Thomas Mathew Nellimoottil, Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAN JUDICIAL MEMBER

The Hon'ble Mr. R. RANGARAJAN ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. To be circulated to all Benches of the Tribunal? NO

JUDGEMENT

MR. N. DHARMADAN JUDICIAL MEMBER

M.P. 582/93 for joint application heard, allowed.

2. The applicants are regular employees in the Railways working under the respondents. They claim that they were originally employed as casual labourers under the Divisional and Telecommunication Engineer (Works), Podanur. According to them, similarly situated persons approached this Tribunal by filing O.A. 849/90 which was heard and allowed as per Anxx.I judgment dated 27.1.92 with the following observations and findings:

"In the conspectus of facts and circumstances, therefore, we allow this application, set aside the impugned order at Annexure A-5 and hold that the applicants have been in a continuous service under the Sr. DSTE which is a non-project permanent establishment right from the date of their initial continuous engagement as casual

labour and are deemed to have attained temporary status on expiry of six months of such dates as indicated in the O.A. as non project casual labour. The respondents are directed to treat the applicants as temporary Railway servants under para 2511 of the Indian Railway Establishment Manual with all consequential benefits."

3. According to the applicants they are similarly situated like the applicants in O.A. 849/90 and hence they filed representations for getting similar benefits as granted by the judgment of this Tribunal in Annexure-I.

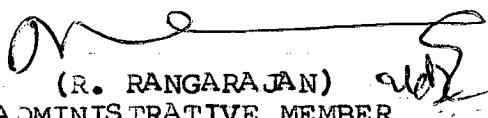
4. At the time when the case was takenup for admission, learned counsel for applicants submitted that the case can be disposed of onthe basis of the judgment of this Tribunal in O.A. 849/90.

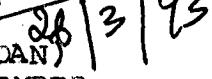
5. Learned counsel for respondents submitted that he is not in a position either to admit or deny the statement made by learned counsel for applicants. This is a matter to be verified and a decision will have to be taken by the competent authority.

6. Accordingly, having heard counsel appearing on both sides, we are satisfied that interest of justice will be met in this case if we dispose of theapplication directing the third respondent to examine the claim of the applicants that they are similarly situated like the applicants in O.A. 849/90 and we direct him to do so. If on verification he is satisfied that the applicants are also similarly situated like the applicants in that case, it goes without saying that applicants are eligible to be granted similar benefits as the applicants in that case. This shall be done within a period of three months from the date of receipt of a copy of this judgment.

7. The application is disposed of on the above lines.

8. There shall be no order as to costs.


(R. RANGARAJAN) 
ADMINISTRATIVE MEMBER


26/3/93
(N. DHARMADAN) 
JUDICIAL MEMBER

26.3.93

kmm