

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.530/99

Thursday this the 29th day of April, 1999.

CORAM:

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

T.Chellasivalingam,  
Aged 46 years, S/o. Thirumal Nadar,  
South Kundal, Kanya Kumari P.O.  
Kanyakumari District.  
(Ex.Casual Labourer, Southern Railway,  
Trivandrum Division). ..Applicant

(By Advocate Mr.Martin Thottan)

vs.

1. Union of India represented by  
The General Manager, Southern Railway,  
Headquarters Office, Park Town P.O.,  
Madras-3.
2. The Divisional Railway Manager,  
Southern Railway, Trivandrum Division,  
Trivandrum-14.
3. The Senior Divisional Personnel Officer,  
Southern Railway, Trivandrum Division,  
Trivandrum-14. ..Respondents

(By Advocate Mr.K.Karthikeya Panicker)

The Application having been heard on 29.4.99, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

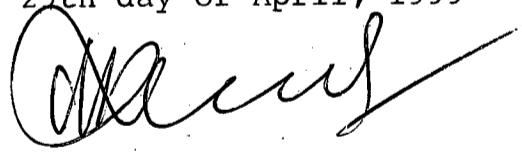
The applicant a retrenched casual labourer was considered for absorption and was subjected to medical examination. Having found medically unfit in Medical Category B1 he was not absorbed as a Gangman. The applicant made a representation to the third respondent on 19.3.99 requesting that he may be accommodated in a suitable position though not medically fit to be appointed as a Gangman. This representation is pending.

2. The applicant has filed this application for a declaration that he is entitled to be considered for absorption against a Group D post in terms of the offer of appointment and for a direction to the respondents to consider him for such absorption in the Trivandrum Division of Southern Railway, requiring a lower medical classification without delay.

3. When the application came up for hearing, learned counsel on either side agree that the third respondent may be directed to consider the claim of the applicant put forth in A2 representation dated 19.3.99 and to give him an appropriate reply within a reasonable time.

4. In the light of the submission of the learned counsel on either side, the application is disposed of with a direction to the third respondent to consider the claim of the applicant for accommodation on a suitable post in Group D in the Trivandrum Division of the Southern Railway as projected in A2 representation, within a period of three months from the date of receipt of this order by giving the applicant a speaking order. No order as to costs.

Dated the 29th day of April, 1999



A.V. HARIDASAN  
VICE CHAIRMAN

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List of Annexure referred to in the order:

Annexure A2: True copy of the representation dated 19.3.99 submitted by the applicant to the third respondent.

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