

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 559 of 2003

Wednesday, this the 23rd day of July, 2003

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HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER  
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. T.P. Sreedharan,  
S/o Pachaw,  
Ex-Casual Labourer,  
Southern Railway, Palghat Division.  
Residing at Thattarapoyil House,  
Kalpathor Post, Meppayur Via,  
Calicut District. ....Applicant

[By Advocate Mr. T.C. Govindaswamy]

Versus

1. Union of India, represented by the  
General Manager, Southern Railway,  
Head Quarters Office, Chennai.
2. The Divisional Personnel Officer,  
Southern Railway, Palghat Division,  
Palghat.
3. The Divisional Railway Manager,  
Southern Railway, Palghat Division,  
Palghat. ....Respondents

[By Advocate Mr. Thomas Mathew Nellimoottil]

The application having been heard on 23-7-2003, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant, who had served as casual labourer between 1979 and 1982, is aggrieved that inspite of his juniors having been considered for reengagement, he is not being considered. The following is the main relief sought for:-

- "(a) Declare that the applicant is entitled to be considered for regular absorption against a Group 'D' post of Southern Railway, Palghat Division (Civil Engineering Department) in

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preference to persons with lesser number of days of service than him and direct the respondents accordingly."

2. It would appear that the applicant filed a representation dated 24-3-2003 (Annexure A3) to the Senior Divisional Personnel Officer, Southern Railway, Palghat on coming to know that his juniors were given reengagement on the basis of their past casual labour services. This representation, apparently, is still pending. The applicant claims to have possessed necessary documents to support his claim regarding his casual service.

3. When the matter came up for consideration for admission, Shri T.C.Govindaswamy, learned counsel for the applicant, has stated that the applicant would be satisfied, if Annexure A3 representation dated 24-3-2003 or any similar representation, which the applicant might be permitted to make before the 2nd respondent, be directed to be considered judiciously and appropriate orders be made thereon within a reasonable time frame. Shri Thomas Mathew Nellimoottil, learned counsel for the respondents, who was to have made a statement before admission, has stated that the respondents would have no objection to consider the applicant's Annexure A3 representation or a fresh representation specifically addressed to the 2nd respondent in that regard and to pass appropriate orders thereon within a reasonable time frame.

4. On the basis of the submissions made by the learned counsel on either side, we proceed to dispose of this Original Application by permitting the applicant to make a fresh representation incorporating the details of his claim with supporting material, if any, to the 2nd respondent within one week from today and directing the 2nd respondent to consider

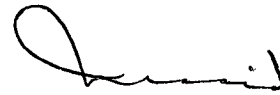
the applicant's representation, if so received, and pass appropriate orders thereon and serve a copy thereof to the applicant within three months thereafter.

5. The Original Application is disposed of accordingly.  
No order as to costs.

Wednesday, this the 23rd day of July, 2003



K.V. SACHIDANANDAN  
JUDICIAL MEMBER



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

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