

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 562/92  
~~XXX~~

199

DATE OF DECISION 1.5.92

V Jayapalan Applicant (s)

Mr P Sivan Pillai Advocate for the Applicant (s)

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

Mrs Sumathi Dandapani Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. NV Krishnan, Administrative Member

~~XXX~~

1. Whether Reporters of local papers may be allowed to see the Judgement
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement
4. To be circulated to all Benches of the Tribunal

JUDGEMENT

The applicant is now working as Carpenter Khalasi in the  
the office of the Permanent Way Inspector, Trivandrum under the  
Respondents 2 & 3. It is stated that he was initially appointed  
as a casual carpenter in the Construction Organization on 3.6.72  
as empanelled  
and was now working as a Gangman from 29.9.80 and absorbed as a  
Carpenter Khalasi in 1981. He was trade tested for being promoted  
as Carpenter (Skilled Grade-III) on 21.1.82 and declared passed.

However, in the meanwhile he fell ill on 14.5.82 and according  
to him he was not in position to resume duties for a long time.

2. Ultimately, when the applicant himself reported for duty  
he submitted that he was not properly medically examined under  
the direction of the superior authority and by the order dated  
23.2.89 (Annexure A1) of the Respondent-3, acting in pursuance of

the orders of the ORM, he was directed to report for duty immediately. Accordingly, he joined duty on 20.9.88.

3 After joining duties, he submitted the Annexure A2 representation dt. 14.1.91 to the Respondent-2, the Divisional Personnel Officer, Trivandrum to treat the long period of absence from 14.5.82 to 22.2.89 as Extra-ordinary leave and count his service for that period for the purpose of pension, etc. That ~~report~~ <sup>representation</sup> is still pending.

4 The applicant has another grievance that some of his juniors were promoted as Carpenters on 6.2.92. Therefore, he filed another representation Annexure A3, which does not bear any date, to the Respondent-2 in which he brought to the notice of that authority ~~to~~ the facts that six of his juniors have been promoted as Carpenters and therefore, prayed for sympathetic consideration and favourable orders.

5 The learned counsel for the respondents who entered appearance on 21.4.92 sought time to make submissions in regard to the admission.

6 When the matter came up before me to-day again ~~not~~ for admission, it was ascertained whether it would be proper to admit this application <sup>or</sup> ~~or~~ give a direction for disposal of the representation at Annexure A2 and A3 within a stipulated time. The learned counsel for the respondents did not have any serious objection to the

disposal of this original application in this manner.

The applicant has also satisfied with such a disposal.

7        Accordingly, I admit this application, without  
              any  
waiting for further reply from the respondents, directing  
them to dispose of the Annexure A2 and A3 representations  
filed by the applicant within a period of three months  
from the date of receipt of this order, in accordance  
with law. ~~We~~ <sup>29</sup> make it clear that, in case the respondents  
find that the representation at Annexure A2 and A3  
are not on their file, they should treat the Annexure A2  
and A3 enclosed with this application as the representations  
filed by him before them earlier.

8        The application is disposed of as above. There  
will be no order as to costs.

  
1/10/92  
(NV Krishnan)  
Administrative Member  
1.5.92