

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

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

199

DATE OF DECISION 1.5.92

V Jayapalan Applicant (s)

Mr P Sivan Pillai Advocate for the Applicant (s)

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

Mrs Sumathi Dandapani Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

~~XXXXXXXXXX~~

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 and was ^{empowered} ~~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 Carptenter (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 ^{he} ~~submitted that~~ he was ^{not} ~~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 DRM, 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 ^{representation} ~~report~~ 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.


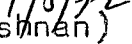
6 When the matter came up before me to-day again ^{nr} for admission, it was ascertained whether it ^{was} would be proper to admit this application ~~or~~ give a direction for disposal of the representation at Annexure A2 and A3 within a stipulated time. The learned counsel for the respondents did not 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, ^{and,} without
waiting ^{any} for further reply from the respondents, direct
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. ²⁹ ~~we~~ 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.



(NV Krishnan)
Administrative Member
1.5.92