

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

DATED THURSDAY THE 30TH DAY OF NOVEMBER 1989

PRESENT

HON'BLE SHRI N.V. KRISHNAN, AM

and

HON'BLE SHRI N. DHARMADAN, JM

O.A.564/89

1. P.I. Padmanabhan
2. P.S. Viswanathan
3. P.T. Yacob
4. K.K. Balan
5. C.R. Rajan
6. C.V. Krishnan Kutty
7. V.V. Pappachan
8. P.R. Chozhi
9. K.E. Vijayakumar
10. K.T. Rajan
11. A.K. Chandran
12. K.M. Moideen Kutty
13. M.V. Rajan
14. P.K. Narayanan
15. C.L. Inasu
16. K. Chandran
17. ~~S.K.P.~~ Balakrishnan

...17 applicants

V.

1. Union of India represented
by the General Manager,
Southern Railway Madras.
2. The Divisional Personnel Officer,
Southern Railway, Trivandrum
3. The Divisional Electrical Engineer,
Construction, Southern Railway,
Ernakulam South.

4. Electrical Foreman (Construction) Southern Railway, Ernakulam

..4 respondents

M/s. K. Ramakumar & V.R. Ramachandran Nair, Roy Ibrahim

: Counsel for applicants

M/s. M.C. Cherian & TA Rajan

: Counsel for respondents

JUDGMENT

Shri N. Dharmadan, JM

The seventeen applicants, who are at present working as Electrical Khalasi, Electrical Division under the fourth respondent, filed this application challenging Annexure-B notification dated 26.7.1989 inviting volunteers from serving ELR staff in Engineering Construction Branch from re-employment in Electrical Branch, mainly on the ground that they are prevented from applying for the post on account of the certain conditions specified in the said notification.

2. The applicants submitted that their initial appointments were under the Executive Engineer (Construction) Trichur as EL Khalasi for the doubling work from Shoranur to Ernakulam. After the completion of the work some of the applicants were transferred to Trivandrum Division but nine of the applicants were allowed to continue in Trichur Division, but they were subsequently transferred to Executive Engineer, Construction, Ernakulam. However the applicants


have been demanding to continue them in the Electrical Division for permanent absorption against the regular vacancy. Annexure-A is a representation submitted by some of the applicants. Similar representations have been filed by others also. It is under these circumstances that Annexure-B was issued by the Divisional Electrical Engineer (Construction), Ernakulam, totally ignoring the rightful claim of the applicants to be absorbed in permanent vacancies.

3. The respondents filed counter affidavit. When the case was taken up for hearing it was brought to our notice that the proposal for making the appointment as contemplated in Annexure-B has been dropped for want of sanction from the General Manager. No sanction for the temporary posts of Casual Labour Khalasis has been obtained so far. It was only in anticipation of sanction that notification Annexure-B was issued. But the respondents have decided not to proceed with the selection/posting in pursuance of Annexure-B order. It was also assured that when the sanction is obtained from the General Manager fresh notification will be issued for taking Casual Labourers

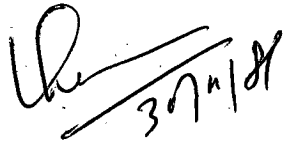
for filling up the sanctioned posts and at the time the applicant can also make their claim in accordance with the conditions that may be fixed at that time. In the light of the assurance given by the respondents the applicants have no further grievances in this case at this stage and the application can be closed.

4. Accordingly we close the case ^{in the light of} recording the undertaking given by the respondents in the counter affidavit.

There will be no order as to costs.


(N. DHARMADAN)
Judicial Member

30.11.89


(N.V. KRISHNAN)
Administrative Member

30th November 1989

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