

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 22.7.93

O.A. 572/92

K.M.Zaphia
Women Mazdoor
Southern Railway
Karuvette Parambil House,
Mulloorkara P.O.
Vazhakkode P.O.
Trichur District

Applicant

vs.

1. Union of India through
the General Manager
Southern Railway,
Madras-3 and

2. The Divisional Personnel Officer
Southern Railway
Trivandrum-14

Respondents

Mr. P. Sivan Pillai

Advocate for applicant

Smt. Sumathi Dandapani

Advocate for respondent

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THE HON'BLE MR. N. DHARMADAN JUDICIAL MEMBER

&

THE HON'BLE MR. R. RANGARAJAN ADMINISTRATIVE MEMBER

JUDGMENT

MR. N. DHARMADAN JUDICIAL MEMBER

Applicant is a casual mazdoor who is coming for the second time for getting re-engagement based on her casual service from 22.1.79 till 1982, in the Construction Wing of the Southern Railway. Earlier applicant filed O.A. 773/91 which was disposed of by Annexure-A-3 judgment directing respondents to dispose of the representation within a period of two months and examine whether the applicant is entitled to re-engagement along with her juniors. Thereafter, applicant's case was considered and the impugned order Annexure A-5 was passed. Since it was not a detailed order considering all the contentions raised in the application, pending the CCP 7/92 another order Annexure A-6 was passed on the basis of direction of the Tribunal. In Annexure A-6 respondents have

mentioned that Shri K. R. Murugan and three others stated to have been juniors of the applicant were re-engaged in August, 1990 as per the direction of this Tribunal in TA 12/87. They further stated that the case of Shri Rajagopalan cannot be examined without details of his service particulars. They have asserted that no ~~etc.~~ ⁴ juniors of the applicant other than SC/ST have been re-engaged. Applicant filed a detailed rejoinder and submitted that the stand taken by the respondents in the reply ~~are~~ ⁴ not correct and it does not represent the real position. The ⁴ persons junior to the applicant were engaged without directions issued by the Tribunal. Learned counsel for applicant endeavours to substantiate that the applicant was denied engagement on the fact that she is approaching this Tribunal. In fact Annexure A-1 Labour Card produced by the applicant shows that she has, to her credit 975 $\frac{1}{2}$ days as on 20.1.83. She has also produced the I.R. in O.A. 1561/92 to show that many of the casual labourers alleged to have been re-engaged on the basis of the direction in O.A. 675/89 and 685/89 are ^{reengaged} ⁴ not really ⁴ based on the direction of the Tribunal.

2. However, having heard learned counsel for both sides we are satisfied that the impugned orders are to be set aside and the matter ^{is being} ⁴ sent back to the second respondent for reconsideration of the case of the applicant whether she can be given re-engagement on the basis of the days of work she has rendered as on 20.1.83 after examining ^{whether} ⁴ any of the juniors having lesser number of days have been re-engaged, ^{whether} ⁴ on the basis of the direction of the Tribunal or not. If on verification of the records it is found that any of the casual labourers having lesser number of days as on 20.1.83 have been given re-engagement, the applicant is also entitled to be re-engaged at least notionally from the date of re-engagement of the junior.

This shall be done within a period of four months from the date of receipt of a copy of this judgment.

3. The application is disposed of on the above lines.

4. There shall be no order as to costs.



(R. RANGARAJAN)
ADMINISTRATIVE MEMBER



(N. DHARMADAN)
JUDICIAL MEMBER

22.7.93

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List of Annexures

1. Annexure A-3 : Judgment of this Tribunal in O.A. 773/91
2. Annexure A-5 : Impugned order dated 28.1.92
3. Annexure A-6 : Impugned order dated 5.3.92