

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 580/99

Thursday, this the 27th day of May, 1999.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

T. Gnanavel,
S/o. Thankam Nadar,
Ex-Casual Labourer, Southern Railway,
Trivandrum Division,
Residing at: Madathuvilazethu Veedu,
Mulamkuzhi P.O., Kanyakumari District.

...Applicant

By Advocate Mr. T.C. Govindaswamy

Vs.

1. Union of India represented by
The General Manager, Southern Railway,
Headquarters Office, Park Town P.O.,
Madras - 3.
2. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum - 14.
3. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum - 14.

...Respondents

By Advocate Mr. Thomas Mathew Nellimootttil

The application having been heard on 27.5.99, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant who is a retrenched casual labourer was provisionally selected for appointment on a Group 'D' post and he was directed to appear for a medical examination by letter dated 1.12.98, Annexure A-1. As misfortune would have it, he was found medically unfit in B-I category. The applicant made a representation to the third respondent on 22.3.99 requesting that he may be considered for employment on any post

to which he would be suitable and eligible. Finding no response to his representation, the applicant has filed this application under Section 19 of the Administrative Tribunals Act seeking a declaration that he is entitled to be considered for absorption against a Group 'D' post in terms of Annexure A-1 order and for a direction to the respondents accordingly or in the alternative to direct the respondents to consider the applicant for absorption against a Group 'D' post in Southern Railway, Trivandrum requiring of lower medical classification without delay.

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2. When the application came up for hearing, the learned counsel for the applicant says that the applicant would now make a representation to the first respondent and the first respondent may be directed to consider the same in accordance with Rules and issue appropriate orders within a reasonable time. The learned counsel appearing for the respondents states that the respondents have no objection in the application being disposed of with such a direction.

3. In the light of what is stated by the learned counsel on either side, the application is disposed of permitting the applicant to make a representation to the first respondent within two weeks and with a direction to the first respondent that the representation, if submitted by the applicant shall be considered in accordance with Rules and instructions on the subject and a speaking order shall be served on the applicant within a period of three months from the date of receipt of the representation. No costs.

Dated the 27th day of May, 1999.



A.V. HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURES REFERRED TO IN THE ORDER

Annexure A-1:

True copy of the letter No.V/P.407/1/ECL/Vol.IX dated 1.12.98 issued by the third respondent.