

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 581/89 199
XXX%

DATE OF DECISION 10.4.1990

1. P. Muthukrishnan
2. K. Sivanandan _____ Applicant (s)

Mr. K. Ramakumar _____ Advocate for the Applicant (s)

Versus

UOI rep. by GM., S. Rly., Respondent (s)
Madras & Another

Mr. MC Cherian _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. Krishnan - Administrative Member

The Hon'ble Mr. A. V. Haridasan - Judicial Member

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

(Mr. N. V. Krishnan, Administrative Member)

This is a case where the applicants, who are Casual Labourers under the second respondent, the Senior Divisional Personnel Officer, Southern Railway, Palghat, seek a direction that they be absorbed regularly as Gangmen.

2. The respondents have pointed out in their reply affidavit that the applicants were appointed as Casual Labourers at a time when there was an absolute ban on such appointments. It is stated that in such cases, the standing instructions require that the cases be referred to the General Manager for appropriate orders of regularisation. It is submitted in para 5 of the reply affidavit filed by the respondents as follows:

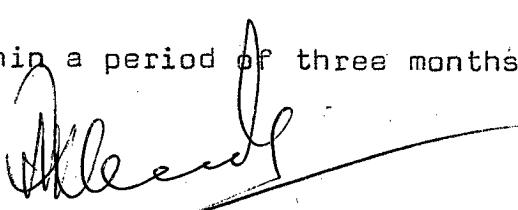
"From what is stated above, it can be seen that the applicants have not been absorbed as regular

Railway servants on the basis of Annexure-A empanelment, as the necessary post-facto sanction from General Manager has not been obtained. At the same time, it is submitted that arrangements are being made for requesting the General Manager, Southern Railway, Madras to issue the necessary post-facto sanction as envisaged in Annexure-A empanelment. In case the necessary sanction is obtained from the General Manager, the applicants will be absorbed as regular Railway Servants, in pursuance of Annexure-A."

3. The counsel for the applicants is satisfied, the steps being taken by the respondents in obtaining the ex-post facto sanction of the General Manager with retrospective effect.

4. It was submitted before us that a proposal has been submitted by the second respondent on this behalf. We are given to understand that the last letter in this connection is a communication from the Headquarters dated 11.9.1989 seeking further information from the second respondent.

5. In these circumstances, we dispose of this application with (i) a direction to the second respondent to send all the information required by the Headquarters within a period of one month from today and (ii) a direction to the first respondent to dispose of the proposal relating to grant of ex-post facto sanction for the engagement of the applicants within a period of three months from today.


(A.V.HARIDASAN)
JUDICIAL MEMBER


(N.V.KRISHNAN)
ADMINISTRATIVE MEMBER