

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF JUDGMENT: 11/12/89.

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. No. 586/89

1. C. Thomas

&

2. S. Rajendran

Applicants

Vs.

1. Union of India represented by the
General Manager, Southern Railway
Madras,

2. The Divisional Personnel Officer,
Southern Railway, Trivandrum and

3. The Bridge Inspector,
Southern Railway, Ernakulam

Respondents

M/s. K. Ramakumar,
V. R. Ramachandran Nair &
P. Nandakumar

Counsel for the
applicant

Smt. Sumathi Dandapani

Counsel for the
Respondents

JUDGMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

On 9.10.1989 when this case came up for admission Smt. Sumathi Dandapani, the learned counsel appearing on behalf of the respondents requested for time for getting instruction. Today when the case again came up for admission, both sides have agreed that this case is covered by our judgment in O.A. 296/89 and can be disposed of by following our judgment in the earlier case;

2. The applicants are Casual Khalasis in the Southern Railway in the grade of Rs. 750-940. Their prayer in this Original Application is to quash Annexure-A order of transfer on empanelment of the applicants and others to the post of Ganman against their willingness. They also seek for a direction to the respondents to allow them to continue in the respective posts in which they are now working.

3. In a number of cases this xxxxxxxxxxxxxxxxxxxxxx Tribunal has taken the view that if Casual Khalasis in the scale of pay of Rs. 750-940 do not wish to be absorbed in the regular cadre of Gangmen in the scale of Rs. 775-1025 but would be willing to wait for their turn to be promoted to the available post in the skilled category, they should not be forced to be absorbed as Gangmen.

4. In conformity with the stand already taken by us and considering the submissions of the counsel appearing in this case that the applicants are willing to continue in the present post to which they are working and the respondents have no objection to allow the applicants being retained as Casual Khalasis, we dispose of this application with the direction that the impugned order should not be implemented in so far as the applicants are concerned and the applicants should be retained in the post in which they are now working


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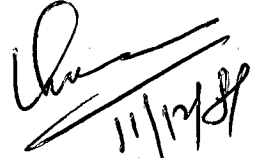
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subject to their risk of being retrenched in accordance with law. Accordingly, the application is disposed of with the above directions.

5. We have only to add that OA 296/89 is not directly applicable to this case. It was held therein that casual labour khalasi can be directly considered for being regularly posted as Khalasi against such posts created for decasualisation and that it is not necessary for them to be first empanelled and posted as Gangmen. It is in that context that the relief granted above is relevant.

6. In the circumstances of the case, there will be no order as to costs.


(N. Dharmadan)
Judicial Member


(N.V. Krishnan)
Administrative Member