

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 608
I.A. No.

1989

DATE OF DECISION 31.7.90

K. Ramankutty and another Applicant (s)

M/s. K. Ramakumar &
V. R. Ramachandran Nair Advocate for the Applicant (s)
Versus

UOI rep. by GM, SR, Madras & Respondent (s)
others

Smt. Sumathi Dandapani Advocate for the Respondent (s)

CORAM:

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

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

The applicants are Khalasis working in the Southern Railway at Ernakulam in the Trivandrum Division. They were given the benefit of Central Pay Commission scale of Rs. 196-232 from 1980 onwards. According to the de-casualisation scheme evolved by the Railways, Khalasis are to be absorbed in regular posts. Annexure-A circular was issued by the Railway Board pointing out that 25% of the vacancies were earmarked for serving employees in semi-skilled and unskilled categories and they could be filled up only by Khalasis. Pursuant to

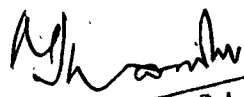
decasualisation, some posts of non-artisan Khalasis occurred and volunteers have been called for as per Annexure-B circular. The applicants apprehended that they would not be absorbed in these posts even though they are fully eligible and qualified to be absorbed in those regular posts. Hence they have challenged Annexure-B and B-1 and filed this application. They have also prayed that they are entitled to be preferred over Gangmen for absorption to the regular posts of Khalasis.


2. The respondents have denied the claim of the applicants and submitted that they are not entitled to be directly absorbed as regular Khalasis. They can only be first selected as Gangmen and thereafter their claim for absorption as regular Khalasis will be considered. In support of this argument the learned counsel for the Railways relied on the two earlier decisions rendered by the Madras Bench of the Tribunal.

3. When this case was taken up for hearing, the counsel appearing on both sides agreed that this case is covered by the decision of this Tribunal in O.A. 613/89 as modified ✓ and in R. A. 61/90 in that case and that this case can also be disposed of following the judgment in the said case. Accordingly, we follow the above judgment and dispose of this application with the following directions:

- (a) The posts of Khalasis created under the de-casualisation scheme will, in the first instance be filled up by calling volunteers from casual labourers in the Division who are waiting for regularisation, according to their seniority in the Division and after subjecting them to an aptitude test.
- (b) The regular post of Khalasis may be offered to such casual labourers in the divisional seniority list who are waiting for regularisation. But if any casual labourer is not willing to be absorbed as Khalasi, it can be presumed that he is not interested and he cannot later claim any higher seniority over any of his juniors who have accepted the post of Khalasi and thus got regularisation from an earlier date. All casual labourers should be warned in advance about this.
- (c) If on this basis, it is found that there still remain vacancies of Khalasis created in connection with the de-casualisation scheme, these vacant posts can be filled up as a residuary measure by calling volunteers from regular Gangmen and by conducting aptitude test amongst them.
- (d) The inter-se seniority as between the casual labourers appointed as regular Khalasis and regular Gangmen appointed as regular Khalasis shall be determined from the date from which the persons were first regularised as Khalasis;
- (e) This order, however, will not apply to the filling up of normal vacancies of Khalasis which arise due to retirement, promotion, death etc. of the regular incumbent. Such vacancies can be filled up by the Respondents by calling for volunteers from regular Gangmen. The Gangmen so inducted will count their seniority from the date they were absorbed as Khalasis.

4. There will be no order as to costs.


(N. Dharmadan) 31.7.90
Judicial Member


(N. V. Krishnan)
Administrative Member

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