

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 617/93

Thursday, this the 10th day of February, 1994

SHRI N. DHARMADAN, MEMBER (J)
SHRI S.KASIPANDIAN, MEMBER(A)

D. Abdul Rahiman,
Mop/ila Khalasi,
O/o Depot Store Keeper, Construction,
SR, Kayamkulam. .. Applicant

By Advocate Shri M.R.Rajendran Nair.

V/s

1. The Divnl. Personnel Officer,
SR, Trivandrum.
2. The Depot Store Keeper,
Construction, Kayamkulam Jn.
3. The Ex. Engineer, Construction,
SR, Kayamkulam.
4. The Chief Engineer, Construction,
SR, Egmore, Madras-6. .. Respondents

By Advocate Shri Thomas Mathew Nellimoottil, ACGSC.

ORDER

N. DHARMADAN

Applicant is presently working as a Mopila Khalasi. He is aggrieved by Annexures-I and II proceedings by which he has been directed to join as Gangman against his willingness or option to continue as Khalasi.

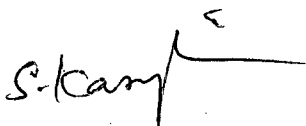
2. According to applicant, there is a proposal in Annexure-III letter dated 8.10.92 issued by the Chief Engineer (Construction) to give the skilled scale of Rs.950-1500 to Mopila Khalasis having temporary status as on 31.3.92, subject to the passing of the trade test and satisfying other formalities for getting the same.

Temporary status has been accorded to the applicant long before and he is willing to appear for trade test and prepared to satisfy all other formalities. He does not want to be appointed as Gangman.

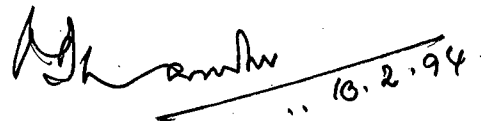
3. We have considered similar issue in number of other cases treating the statement in the O.A. as the unwillingness expressed in the application as their option and expression of their desire to continue as Khalasis awaiting their turn for getting higher grade of Rs.950-1500 subject to the risk of being retrenched.

4. In the light of the above position, we quash Annexures-I and II to the limited extent of posting the applicant as T. Gangman (Grade-D category) in the scale of Rs.775-1025 and direct the respondents to allow the applicant to continue as a Mopila Khalasi awaiting for regularisation in accordance with his turn in that line, subject to the risk of retrenchment in case it becomes necessary.

5. The application is allowed to the extent indicated above. There will be no order as to costs.



(S.KASIPANDIAN)
MEMBER(A)



(N.DHARMADAN)
MEMBER(J)

V/-