

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.64/2000.

Monday this the 4th day of February 2002.

CORAM:

HON'BLE MR. A. V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T. N. T. NAYAR, ADMINISTRATIVE MEMBER

R.Gopalasamy,
Ex-Senior Gangman,
Southern Railway, Tirupur. Applicant

(By Advocate Shri 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 Senior Divisional Personnel Officer, Southern Railway, Palghat Division, Palghat.
3. The Senior Divisional Engineer (Co-ordination), Southern Railway, Palghat Division, Palghat. Respondents

(By Advocate Shri P. Haridas)

The application having been heard on 4th February 2002 the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, an Ex-Senior Gangman filed this application seeking the following reliefs:

- "a) Call for the records leading to the issue of Annexure A5 and A6 and quash the same.
- b) Declare that the termination of the applicant from services in terms of Annexure A5 and A6 is arbitrary, discriminatory and unconstitutional and direct the respondents accordingly.
- c) Direct the respondents to reinstate the applicant forthwith duly providing him alternative appointment as provided under law with consequential benefits.

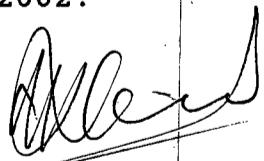
d) Pass such other orders or direction as deemed just, fit and necessary in the facts and circumstances of the case."

2. The respondents in their reply statement have stated that pursuant to the directions contained in the order of the Tribunal in O.A.982/99, the applicant has been reinstated in service as per memorandum dated 2.3.2000 and has been granted Extra Ordinary Leave pending alternative appointment in a suitable post. Taking note of the above statement in the reply statement, the learned counsel of the applicant states that the application may be disposed of giving liberty to the applicant to seek appropriate remedy in accordance with law, if he is aggrieved by the order regarding regularisation of the period and the alternate employment offered. Learned counsel of the respondents have no objection in the application being disposed of in such a manner.

3. Accordingly, the application is disposed of taking note of the fact that the applicant has been reinstated in service by order dated 2.3.2000 and leaving the applicant to seek appropriate relief, in case he is not satisfied by the method of regularisation of his period pending alternate employment and the decision regarding alternate post. There is no order as to costs.

Dated the 4th February, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1: A true copy of the Judgement in O.A No.22/99 dated 5.2.99 passed by this Hon'ble Tribunal.
2. A-2: A true copy of letter No.J/P.301/IX/Gangstaff dated 3.6.99 issued by the 3rd respondent.
3. A-3: A true copy of letter No.J/P.301/IX/Gangstaff dated 3.6.99 issued by the 3rd respondent.
4. A-4: A true copy of reply dated 11.6.99 submitted by the applicant to the 3rd respondent.
5. A-5: A true copy of Order bearing No.J/P.301/IX/Gang Staff dated 11.12.99 issued by the 3rd respondent.
6. A-6: A true copy of Order bearing No.J/P.OA 22/99 dated 13.12.99 issued by the 2nd respondent.
7. A-7: A true copy of the Office Order bearing No.W/19/85 dated, 6.4.1995 issued by Assistant Personnel Officer, Palghat.
8. A-8: A true copy of the Office Order bearing No.J/P.564/IX/Screening/Engg. dated 20.1.88 issued by the 2nd respondent.

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