

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

.....

O.A. No. 80 of 1993.

Thursday this the 3rd day of November, 1994.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. C. Dasan, Trollyman,
O/o the Permanent Way Inspector,
Southern Railway, Mangalore.
2. A. Dharmadasan, Gangman,
O/o the Permanent Way Inspector,
Southern Railway, Calicut.
3. N. Appunni, Gangman,
Permanent Way Inspectors Office,
Southern Railway, Calicut.
4. P.P. Kutty Hassan, Gangman,
O/o the Permanent Way Inspector,
Quilandi.
5. P.K. Ahmed Kutty, Gangman,
O/o the Permanent Way Inspector,
Quilandi.
6. C. Abdul Azeez, Gangman,
O/o the Permanent Way Inspector,
Southern Railway, Quilandi
7. V. Mamoo Koya, Gangman,
O/o the Permanent Way Inspector,
Southern Railway, Quilandi
8. P. Divakaran, Gangman,
O/o the Permanent Way Inspector,
Southern Railway, Quilandi. .. Applicants.

(By Advocate Shri R. Santhoshkumar)

Vs.

1. Union of India through the General
Manager, Southern Railway, Madras-3.
2. The Divisional Personnel Officer,
Southern Railway, Palghat.
3. The Divisional Railway Manager,
Southern Railway, Palghat.
4. A.P. Bhaskaran, C/o Bridge Inspector
Tindal Southern Railway, Erode.
5. P. Mohandas -do-
Tindal
6. K. Sreedivasan -do-
Tindal

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| 7. D. Muraleedharan
Tindal | C/o Bridge Inspector,
Southern Railway,
Erode. |
| 8. K. Parangodan
Tindal | -do- |
| 9. M. Vasu
Tindal | -do- |
| 10. P. Kunhoyi,
Tindal | -do- |
| 11. T. Ravi
Tindal | -do- |
| 12. K.T. Sasidharan | -do- |
| 13. C. Ratnakaran | -do- |
| 14. V.V. Rajan | -do- .. Respondents. |

(By Advocate Shri TPM Ibrahim Khan for R.1&2)

(By Advocate Shri KV Navaneethan for R. 4 to 14)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

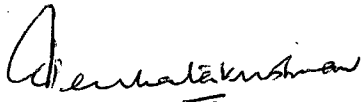
Applicants a Trollyman and seven Gangmen, stake a claim for absorption as Tindals. They submit that Mopila Khalasis who are junior to them have been absorbed as Tindals.

2. In answer, respondents would state that Tindals are appointed from among Mopila Khalasis, that applicants are no longer Mopila Khalasis, having been regularised long years ago and that the comparison is misleading. It is stated further in the reply statement that the applicants have been working as regular Gangmen for 9 years, 6 years and 4 years. After getting regularisation they are trying to steal a march over Mopila Khalasis (Casual Labourers) who are yet to get regularisation, and for whom such vacancies are earmarked. The decasualised vacancies of Tindals are intended to provide for Mopila Khalasis who have been functioning as casual labourers for long without regularisation.

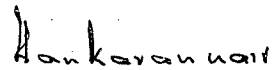
3. Those like applicants who have already obtained regularisation cannot make a vicarious attempt like this to advance their personal prospects.

4. We find no legally enforceable right in applicants. We dismiss the application, but without costs.

Thursday this the 3rd day of November, 1994.



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN