

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

REPUBLIC OF INDIA

ERNAKULAM

O.A. No. 84/87  
T.A. No.           

198

DATE OF DECISION 20-11-88

N K Phamkatty & 2 others

Petitioner

M. K. Ramkumar & 2 others

Advocate for the Petitioner(s)

VERSUS

U.O.upto Gm, S/R, marks

by 2 others

Respondents

Smt. Smrithi Delepari

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S. P. Mukarji, Vice Chairman / Mr. N. V. Krishnan, Member (A)

The Hon'ble Mr. N. Dharmadan / Mr. A. V. Haridasan, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulate to other Benches of the Tribunal?

mk/crc/ak

CENTRAL ADMINISTRATIVE TRIBUNAL: ERNAKULAM BENCH

Date of decision: 20.11.89

Present

Hon'ble Shri NV Krishnan, Administrative Member  
and

Hon'ble Shri N Dharmadan, Judicial Member

OA NO.84/87

1 NK Ahamedkutty  
2 T Khader  
3 Abdul Khader

: Applicants

Vs.

1 Union of India rep. by  
the General Manager  
Southern Railway, Madras.  
2 Railway Board rep. by  
the Secretary,  
Rail Bhavan, New Delhi.  
3 Executive Engineer (Doubling)  
Southern Railway, Trivandrum.

: Respondents

M/s K Ramakumar, CP Ravindranath &  
EM Joseph

: Counsel of Applicants

Smt. Sumathi Dandapani

: Counsel of Respondents

ORDER

Shri NV Krishnan, Administrative Member.

The three applicants in this case joined as Casual  
Labourers and in accordance with the provisions of the  
Indian Railway Establishment Manual they have been given  
temporary status based on the services rendered by them with  
effect from 1.1.1984 vide order dated at Annexure-A. Their  
grievance is that this order is not in accordance with the

Inderpal Yadav's case  
principles laid down by the Supreme Court in 1985(2) SCC-648

and they claim that in accordance with those principles  
they are entitled to temporary status with effect from 1.1.81.

The applicants, therefore, have prayed that the Respondents be directed to give them the benefit of temporary status from 1.1.1981.

2 The Respondents have submitted in their reply that it is no doubt true that the the date of engagement of the second applicant is 16.4.73 but that they do not have particulars of the dates of engagements of the other two applicants as the service cards are with them. They also contend that the date of engagement is not the only factor which determines the temporary status is given to such employees because if after such engagement, the labourer absent himself authorisedly for more than 20 days or unauthorisedly for more than 3 days, his previous service cannot be taken into account for regularisation.

have to be given to him from 1.1.1983. It is, therefore, admitted that in case of the second applicant, he is entitled to temporary status from 1.1.1983 instead of 1.1.84 as mentioned in Annexure-A.

4 They also state that in regard to the other two applicants, sufficient particulars are not available to modify the date given in Annexure-A as the engagement cards are with the applicants only. In fact, the applicants have also stated in para-3 in their applications that they are ready to produce their service cards for verification of their services. Therefore, if a representation is made and the service cards are produced, the Respondents will reconsider the matter.

5 We have seen the records of the case and heard the counsel on either side. We are of the view that the applicants have rushed to the Tribunal without approaching the competent authorities with their grievance. The Respondents are agreeable to look into the matter and decide the date with effect from which temporary status may be given to them based on whatever proofs are made available by the applicants.

6 We are, therefore, satisfied that this application can be disposed of by giving a direction to the applicants to submit representations to the Respondents within a month from the receipt of this order stating their cases for grant of temporary status by enclosing either their service cards in original or legible photo-stat copies thereof.

The Respondents are directed to consider the representations and inform the applicants within 3 months of their receipt about the dates with effect from which they have been given temporary status.

7. It is accordingly ordered. The application is  
disposed ~~of~~ <sup>with</sup>, the above directions and there will be no order as to costs.

*N. Dharmadan*  
(N. Dharmadan)  
Judicial Member  
20.11.89

*V.N. Krishnan*  
(V.N. Krishnan)  
Administrative Member  
20.11.89