

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF DECISION : 30.3.90

P R E S E N T

HON'BLE SHRI N.V KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N.DHARMADAN, JUDICIAL MEMBER

ORIGINAL APPLICATION NO. 94/89

C.P Velayudhan .. Applicant

v.

1. Union of India,
represented by Secretary
to Government, Ministry of Railways,
New Delhi.
2. The Chief Commercial Superintendent,
Catering, Southern Railway,
Madras-3. .. Respondent

M/s. M.Ramachandran & P.Ramakrishnan .. Counsel for the
applicant

M/s. M.C Cherian, Saramma Cherian & .. Counsel for the
respondents

J U D G M E N T

Hon'ble Shri N.Dharmadan, Judicial Member

The applicant who was engaged in the Railway on
the basis of Ext R1(a) agreement as a regular commission
vendor on 9.5.1973 filed this application for a direction
to take up his case for regular appointment considering
his service from 1973.

2. According to the applicant he commenced his
service as a bearer-cum-steward in Catering Department
(Mobile Unit) of the Southern Railway. Though the
appointment was originally made on a commission basis,
the practice followed by the Railway was to regularise
such appointments in the Catering Department of the
Railway. Since there was a break in service of the
applicant in 1980 due to his illness, his request
for regularisation from 1973 was not considered by
the respondents. Annexure-1 is the representation
submitted in this behalf. According to the applicant

his juniors had been absorbed in the regular vacancies and hence there is discriminatory treatment. These aspects have been highlighted by him in Annexure-1 representation which refers to earlier representations submitted by him.

3. The Railway in the counter affidavit filed by the Chief Commercial Superintendent, Southern Railway, Madras stated that he is filing the same on the basis of personal information collected from the applicant himself, because the files containing the service particulars of the applicant are not traceable. However, he has admitted that the applicant has joined as a commission vendor in 1973 on the basis of the agreement; a form of the agreement is produced as Ext. R1(a). He also stated that the applicant was involved in a police case and later fell sick in April 1980 and was bed-ridden for about two months. Thereafter when the applicant approached the Railway, he was permitted to work as commission vendor with effect from August, 1980 onwards as a fresh appointee. The representations alleged to have been sent for regularisation were not received by the respondents. He has also submitted that the applicant will be considered for regular absorption on the basis of his working as commission vendor from August, 1980 onwards, when fresh absorptions in the regular service are made in future.

4. In these circumstances we think this OA can be disposed of with the following directions in the interest of justice. The applicant shall file a detailed representation with all supporting evidence and certificates to show that he was not really involved in any crime ^{happened solely on account of} but actually laid up in 1980 and the break in service L

of the illness so that he can satisfy the respondents that his absence from duty was due to reasons beyond his control and it could be condoned while regularising his service. The applicant shall file such a representation within a period of one month from today. If such a representation is filed by the applicant, the respondents shall consider his claim for regularisation from 1973 onwards in the light of the evidence that he may produce along with such representation and dispose of the same in accordance with law within a period of three months from the date of receipt of such representation. The application is disposed of with the aforesaid directions. There will be no order as to costs.

M. Dharmadan
(N.DHARMADAN)

JUDICIAL MEMBER

30.3.90

N.V. Krishnan
(N.V. KRISHNAN)

ADMINISTRATIVE MEMBER

30/3/90

n.j.j

04/08/89

(11) PSHM dwdmr P.S. Pillai by proxy
mr M. ChelianLearned Counsel for Plaintiff
desperately prays in sometime for getting
instruction. Post for hearing on 12.8.92

Arb.

(W.D.)

217

(PSHM)

217

(24)

PSHM dwd

mr P.S. Pillai by proxy

mr M. Chelian by proxy

Learned Counsel for Plaintiff
Prays for a week's time for verification
of the ~~old~~ statement contained in the
Reply. List for trial hearing on19.8.92

(W.D.)

19/8

(PSHM)

19/8

(19)

PSHM dwd

mr P.S. Pillai

mr T.M. Rajan

~~At~~ At the request of the learned
Counsel for the petitioner. List for trial
hearing on 2.9.92(W.D.)
19/8(PSHM)
19/8Statement by
cross-examined on 24/8/92

S. S.

Mr Girinadasan

Mr TA Rajai

At the request of learned
counsel for respondents post on 21.9.92
no further adjournment will be given.

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(ND)
21/9

D
(PSHM)
21/9

PSHM & ND

(20) Mr P Sivan Pillai
Mr MC Cherian

Learned counsel for the respondents prays for
a months' time. Having heard the counsel, we grant
3 months' time to comply with the directions. No
further time will be given. Post on 12.10.92.

ND

PSHM

21.9.92

21/9

12.10.92

Mr.Sivan Pillai
Mr.Cherian

Heard the learned counsel for both
parties. It is accepted that the respondents have
disposed of the representation as directed by
the Tribunal on 30.3.90. Accordingly there is no
contempt. CP(C) is closed and notice discharged.

Mukherji
(N.Dharmadan)

J.M.

Mukherji
(SP Mukerji)

12.10.92 VG

14/10
m BPL