

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.103/2004.

Tuesday this the 10th day of February 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

T.K.Valliyamma, W/o Anandan,
Ex-Casual Labourer/Southern Railway/
Trivandrum Division, Trivandrum-14. Applicant

(By Advocate Shri TC Govindaswamy)

Vs.

1. Union of India represented by the
General Manager, Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai-3.
2. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum-14.
3. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum,
Trivandrum-14. Respondents

(By Advocate Shri Thomas Mathew Nellimootttil)

The application having been heard on 10th February 2004, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicant is a retrenched Casual Labourer of Southern Railway, Trivandrum Division. She claims that she was retrenched from casual service on 28.10.84 wherein many of her juniors were reengaged and empanelled on group 'D' vacancy by memorandum dated 13.2.1997 issued by the 3rd respondent. Her representation dated 16.5.1997 was finally rejected. Aggrieved by that she has filed O.A.1458/98 which was disposed of by this Tribunal on 20.1.99 directing the respondents to consider her claim for empanelment in the Live Register. She has made a representation. For noncompliance of the said order she filed Contempt Petition (Civil) before this Tribunal. Meanwhile the respondents have



filed O.P.No.19599/99 before the Hon'ble High Court of Kerala. The Hon'ble High Court has modified the order of the Tribunal as to verify the casual labourer card submitted by the applicant since it is doubted by the respondents and if found genuine grant relief to the applicant and to be included in the live register. However, she was included in the live register. But the grievance of the applicant now is that her juniors have been considered for the selection to group 'D' posts. Aggrieved by non-consideration of her case she filed this O.A. seeking the following reliefs.

- a). Declare that the applicant is entitled to be considered for engagement and absorption as a Group 'D' Railway Servant in preference to her juniors, and direct the respondents to engage the applicant accordingly with all consequential benefits, on par with her juniors in the seniority list.
- b). Award costs of and incidental to this Application.
- c). Pass such other orders or directions as seemed just, fit and necessary in the facts and circumstances of the case.

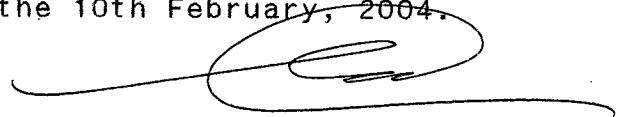
2. When the case came up for hearing Shri T.C.Govindaswamy appeared for the applicant and shri Thomas Mathew Nellimnoottil took notice for the respondents. Learned counsel of the applicant submitted that the applicant has filed a detailed representation dated 6.7.2003 (A6) to the 2nd respondent on the subject which is not yet disposed of. Learned counsel submits that the applicant would be satisfied if a limited direction is given to the 2nd respondent to consider and dispose of the representation within a time frame. Learned counsel for respondents submitted that he has no objection in adopting such a course of action. In the interest of justice this Court is of the view that such a limited direction will suffice the interest of the applicant, if any,



3. Therefore, this Court directs the 2nd respondent to consider A-6 representation dated 6.7.03 and pass appropriate orders within a time frame of three months from the date of receipt of a copy of this order. ^{1/2} We also direct the applicant to send a copy of the representation as also a copy of the O.A. forthwith to the 2nd respondent to avoid any further delay in this matter.

4. O.A. is disposed of as above at the admission stage itself. In the circumstances, no order as to costs.

Dated the 10th February, 2004.



K.V. SACHIDANANDAN
JUDICIAL MEMBER

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