

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.112/99

Wednesday this the 20th day of June, 2001.

CORAM

HON'BLE MR. A. M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

M.K.Mohammedkutty
S/o Kunhapputty
Drainage Khalasi, Office of
Section Engineer/Works, Trichur
Southern Railway
Residing at : Mannuvattathu House
Mullorkkara P.O., Mulloorkara
Trichur District.Applicant

By advocate Mr.T.C.Govindaswamy

Versus

1. Union of India represented by
The General Manager, Southern Railway
Headquarters Office, Park Town P.O.
Madras.
2. The Chief Engineer
Construction, Southern Railway
Egmore, Madras.
3. The Executive Engineer
Construction, Southern Railway
Trichur.
4. The Senior Divisional Personnel Officer
Southern Railway, Trivandrum Division
Trivandrum.

By advocate Mrs. Sumathi Dandapani

The Application having been heard on 20th June, 2001, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

Applicant seeks to declare that he attained the status of a temporary employee on and with effect from 24.2.78, in terms of para 2501 of the Indian Railway Establishment Manual by operation of law and to direct the respondents to grant him the consequential benefits with effect from that date.

2. Applicant says that he initially joined the Railways as a casual labour Khalasi in the Construction organisation on 29.10.76. He was retrenched on 20.1.77. Thereafter, he was re-engaged under the Permanent Way Inspector, Double Line, Trichur on and with effect from 27.1.77 and continued upto 27.2.77. Again he was retrenched and re-engaged. He was again re-engaged on 24.10.77 and from that date he was continuously working. As per order dated 29.9.80 he was re-designated as Office Watchman. He was not part of any project and was a "Permanent Casual Labourer".

3. Respondents resist the OA contending that the applicant was working only in the Project and, therefore, in the light of the pronouncement of the Apex Court, he is not entitled to the reliefs sought.

4. Reliance is also placed by the respondents on R-4, the office order dated 6.10.86 as per which the applicant was granted temporary status with effect from 1.1.82.

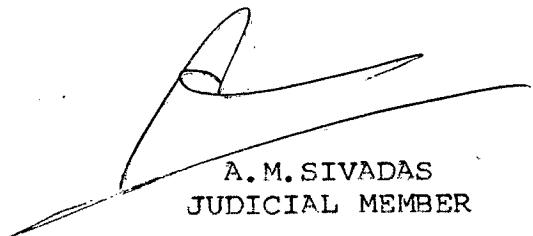
5. There is no dispute or challenge against R-4. From R-4 it is clearly seen that the applicant was granted temporary status with effect from 1.1.82. After a lapse of about 13 years from the date of issuance of R-4, the applicant is waking up and saying that he is entitled to temporary status by operation of law with effect from 24.2.78 on the ground that he was not working in the project and was in the Construction Wing. The applicant having not challenged R-4, at this point of time, he cannot come forward and say that he should be granted temporary status with effect from 24.2.78. R-4 is conclusive in this matter.

6. Accordingly the OA is dismissed.

Dated 20th June, 2001.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A. M. SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

R-4 True copy of office order No.14/CN/TCR/86 dated 6.10.86 of the Executive Engg.(Construction) S.R., Thrissur issued to the Chief Engineer (Construction), SR, Madras & others.