

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 119
T. A. No.

199 1

DATE OF DECISION 3-8-92

V. M. Chandra

Applicant (s)

Mr. P. Sivan Pillai

Advocate for the Applicant (s)

Versus

Union of India through the General Manager, Southern Railway, Madras-3 and others Respondent (s)

Mr. M. C. Cherian

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.S. Habeeb Mohamed, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*
4. To be circulated to all Benches of the Tribunal? *NO*

JUDGEMENT

Mr. N. Dharmadan, Judicial Member

Applicant while working as casual Technical Mate in the Works Branch of the Civil Engineering Department of Palghat Division of Southern Railway filed this application for a direction to the respondents to absorb her in group-C post of Junior Draughtsman or in any other suitable group-C post taking into account her past service or educational qualification or in the alternative to direct the respondents to empanel and absorb her as a Khalasi along with her juniors in Annexure-IX with all attendant benefits w.e.f. 28.7.88.

2. The applicant submitted that she was engaged as a Technical Mate w.e.f. 23.8.76. She has completed Diploma Course in Civil Engineering and she was discharging duties

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to the complete satisfaction of the superior officers. She was granted temporary status from 2.1.1981 and paid salary only in the scale of Rs. 196-232. She continuously represented for getting the higher salary of Technical Mate. Annexure-A 5 to A-7 are the representations. While so, she was involved in a criminal case and she was suspended from duty as per Annexure A-8 order dated 10/16.7.90. The period of suspension ~~XXX~~ from 30.6.87 to 8.9.89 was regularised as duty consequent on the dismissal of the criminal case filed against her before the Ottappalam court. Because of her suspension, juniors of the applicant, sl. Nos. 4 & 5 in Annexure A-9 were given earlier promotion overlooking the seniority and better claim of the applicant. Applicant submitted representations against the earlier promotion of juniors. Since she did not get any relief, she has filed this application under section 19 of the Administrative Tribunals' Act.

3. In the reply filed by the respondents, they have stated that after Annexure A-8 Memorandum regularising the service of the applicant, she has already been screened for absorption as Khalasi as per proceedings dated 18.9.91. Consequently, she was also absorbed as Khalasi in the existing vacancy. In the light of this statement, the alternative prayer in the application to direct the respondents to absorb the applicant as Khalasi does not survive for consideration.

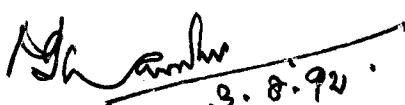
4. Since the applicant has already been screened and empanelled for absorption as regular Khalasi as admitted in the reply statement, the further question to be considered is whether the applicant is entitled to be considered for group-C post as claimed by her. Respondents have stated that after regularisation of applicant's service as per Annexure A-8, she will also be considered for further promotions along with K.K. Thangamani, and K. Radha, sl. Nos. 4 & 5 in Annexure A-9. However, they have stated that Thangamani and

Radha are not juniors to the applicant as claimed by her considering aggregate days of service of the applicant and others. Aggregate services of the applicant and the two are given below:

" K.K. Thangamani	3412 days
K. Radha	3394 "
V.M. Chandra	3249 " "

5. Learned counsel for applicant placing reliance on Annexure A-1 Service Card submitted that the applicant originally joined as casual worker from 27.9.76 and hence she is senior to Thangamani and K. Radha. We have perused Annexure A-1. The date 27.9.76 appears to be different hand writing. with which the rest of the entries were made in Annexure A-1. Taking into consideration the entry in Annexure A-1 certificate, the applicant joined service on 27.9.76 on the same day when Thangamany and Radha were engaged for work. In this view of the matter, we are not prepared to accept the contention of the applicant that she is senior to other persons. However, applicant's claim for getting further engagement in a group-C post on the basis of the number of days of service rendered by her deserves consideration and accordingly, we direct the respondents to consider the applicant also for further appointment in group-C in accordance with her turn.

6. With the above directions, the application is disposed of.
7. There will be no order as to costs.


(N. Dharmadan)
Judicial Member

kmm


(P.S. Habeeb Mohamed)
Administrative Member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Dated the 13th day of October, 1993.

Coram

The Hon'ble Mr. Justice Chettur Sankaran Nair, Vice Chairman

The Hon'ble Mr. S. Kasipandian, Administrative Member

C.P.C. 158/93 in
O.A.119/91

V. M. Chandra .. Petitioner

Mr. P. Sivan Pillai .. Advocate for petitioner

Vs.

T. P. Kelappan, Divl. Personnel Officer,
Southern Railway, Palghat .. Respondents

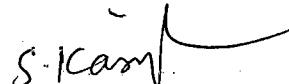
Mr. M. C. Cherian .. Advocate for respondents

JUDGMENT

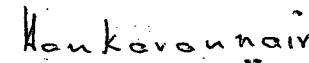
Chettur Sankaran Nair(J), Vice Chairman.

Learned counsel for petitioner seeks leave to withdraw the petition with freedom to file an original application. We grant leave and dismiss the petition as withdrawn without expressing any opinion on the merits of the matter or regarding the scope of Annexure-B Judgment. No costs.

Dated the 13th day of October, 1993.



S. Kasipandian
Administrative Member


Chettur Sankaran Nair(J)
Vice Chairman

ks/13.x.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

RA No.121/92 in O. A. No. 119/91
XXXXXX

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DATE OF DECISION 30-9-1992

Union of India rep. by
General Manager, Southern Railway,
Madras and others
Applicant(s) (Respondents in OA)

Mr MC Cherian

Advocate for the Applicant(s)
" (Respondents in OA)

Versus

VM Chandra

Respondent(s) (Applicant in OA)

Mr P Sivan Pillai

Advocate for the Respondent(s)
" (Applicant in OA)

CORAM :

The Hon'ble Mr. PS Habeeb Mohamed, Administrative Member

and

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? *hw*
3. Whether their Lordships wish to see the fair copy of the Judgement? *hw*
4. To be circulated to all Benches of the Tribunal? *hw*

JUDGEMENT

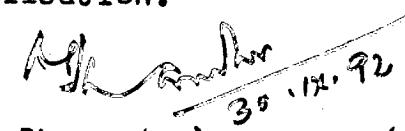
Shri N Dharmadan, J.M

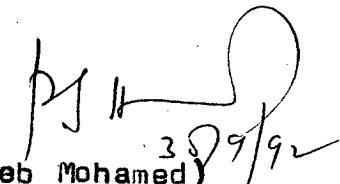
The Review Applicants (Original respondents in O.A) have filed this Review Application for clarification as stated in Ground-A. The Review Applicants apprehend that the omission to refer other colleagues, such as Smt. K.K. Thankamani and K Radha in para-5 of the judgment is likely to create ambiguity and difficulty for the Department.

2 We have gone through the paragraph-5 of the judgment rendered by us on 3.8.92 in OA 119/91 wherein though we had rejected the contention of original applicant that she is senior to other persons, it was made clear that the applicant's claim for getting further engagement in a group-C post on the basis of the number of days of service rendered by her deserves consideration whether it is to be compared *with* *in* the case of

Smt. K.K. Thankamani or Radha or any other similarly situated persons.

3 With these observations, we dismiss the Review Application.


30-9-92
(N Dharmadan)
Judicial Member


30-9-92
(PS Habeeb Mohamed)
Administrative Member

30-9-92