

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.13/93

Thursday, this the 13th day of January, 1994.

SHRI N DHARMADAN, MEMBER(J)
SHRI S KASIPANDIAN, MEMBER(A)

I Raju,
S/o Isthac, Kalayil Vadakathil Veedu,
North Mylakkadu,
Kannanllur PO, Kollam district. - Applicant

By Advocate Shri P Sivan Pillai

Vs.

1. The Divisional Personnel Officer,
Southern Railway, Trivandrum-14.
2. The Permanent Way Inspector,
Southern Railway, Nagercoil.
3. Union of India through
General Manager,
Southern Railway, Madras-3. - Respondents

By Advocate Smt Sumathi Dandapani

O R D E R

N DHARMADAN, MEMBER(J)

The learned counsel appearing on both sides submitted that this case is covered by earlier judgement of this Tribunal in VV Sidharthan V. Union of India & others reported in (1992) 20 ATC, 328 and the same can be disposed of.

2. The operative portion of the judgement is quoted below:

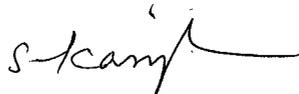
"12. Accordingly, we have considered the matter in details and allow the application to the extent of directing the respondents to re-engage the applicant as casual mazdoor with consequential benefits, if any, legally due to the applicant under the rules. We make it clear that the respondents are free to subject the applicant for medical examination in the categories to which the applicant will be allowed to work in accordance with law.

13. We further direct that the applicant's case for regularisation in the category to which he is medically fit should also be considered by the respondents without any delay."

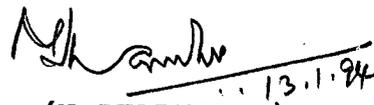
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2. We follow the judgement. Accordingly, we are satisfied that this case can be allowed declaring that the applicant is entitled to the relief to the extent of directing the respondents to re-engage the applicant as casual mazdoor with consequential benefits, if any, due to him. We do so. We further direct the respondents to comply with the direction within a period of three months from the date of receipt of a copy of this order. We make it clear that the respondents are free to take steps for medical examination of the applicant to decide the categories to which the applicant should be allowed to work in accordance with law as per the directions.

3. The OA is allowed to the extent indicated above. No costs.



(S KASIPANDIAN)
MEMBER(A)



(N DHARMADAN)
MEMBER(J)

TRS