

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 14/93

Thursday, the thirteenth day of January, 1994

MR. N. DHARMADAN MEMBER (JUDICIAL)
MR. S. KASIPANDIAN MEMBER (ADMINISTRATIVE)

1. R. Manickam, 53 A Kuditheru
Maruther P.O. Kulithala Taluk
639107-Trichy Dt.
2. V. Paramasivan, 2/42, Mele Manathittai
Karur Main Road, Manathittai P.O.
Kulithalai T.K. Trichy District.
3. V. Kaliamoorthy, Paahangeveri,
Pattavaithalai P.O. Trichy TK Dt.
4. P. Subramaniam, D No.1/15
Valayapalayam, East Street,
Krishna Rayapuram, Kulithalai TK
639102

Applicants

By Advocate Mr. P. Sivan Pillai

vs

1. The Union of India through the
General Manager, Southern Railway
Madras-3
2. The Divisional Personnel Officer,
Southern Railway, Palghat

Respondents

By Advocate Mr. M.C. Cherian

ORDER

MR. N. DHARMADAN

Applicants are casual labourers who worked under the PWI/TPP in the Palghat Division of the Southern Railway. They have given details of the earlier services in para 1 of the original application. They also contended that they are eligible for getting temporary status in the light of the provisions of Para 2004 of the Indian Railway Establishment Manual from 24.11.88, 28.12.89, 22.11.88 and 23.12.89 respectively. However, no order was issued by the Railway granting them temporary status. They were not given any engagement from 18.2.90. Annexure A-1 is a joint representation submitted to the General Manager Southern Railway, Madras when he visited Pattavaithalai station. Annexure A-2 is also a joint representation submitted by the applicants on 10.7.91. These represen-

tations have not been disposed of so far.

2. Respondents have admitted the prior service of the applicant as submitted the applicants in the original application but they have contended that the applicants were retrenched for want of work; there was intermittent breaks in service during the period of their work. They also denied the claim of the applicants that they are granted temporary status.

3. Similar case was disposed of by this Tribunal in O.A. 57/93 by its judgment dated 11.11.93 with a direction to the General Manager Southern Railway. In the light of the above decision, learned counsel for applicant submitted that this case can also be disposed of particularly when Annexure-A1/representations are pending. The learned counsel for respondents submitted that these representations are not received by the General Manager. However, whether the representations have been received by the first respondent or not, having regard to the facts stated in the original application and the contentions raised by the respondents in the reply, we are of the view that the original application deserves consideration by the General Manager. If the first respondent has not received the representations Annexure A-1 and A-2, can be treated as the representations submitted by the applicants stating their grievance for consideration. Accordingly, we direct the first respondent to consider Annexure A-1 and A-2 representations in the light of Para 2004 of the India Railway Establishment Manual within a period of four months from the date of receipt of this judgment. We also direct the learned counsel for respondents to forward a copy of the original application to the first respondent to enable him to dispose of the representation as directed above.

4. There shall be no order as to costs.

S. Kasi Pandian
(S. KASIPANDIAN)
MEMBER (ADMINISTRATIVE)

N. Dharmadan
(N. DHARMADAN)
MEMBER (JUDICIAL)