

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.136/93

Tuesday, this the eleventh day of January, 1994.

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

K Paramasivan,
S/o Karuppan,
No.391-C, Railway Colony,
Erode.

- Applicant

By Advocate Shri P Sivan Pillai

Vs.

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

By Advocate Shri TPM Ibrahimkhan

O R D E R

N DHARMADAN, MEMBER(J)

The learned counsel appearing on both sides submitted that the question arising in this case came up for consideration in OA-767/91. The judgement of that case is produced as Annexure-A2 along with the OA.

2. In view of the fact that this case is covered by the judgement in OA-767/91, we are of the view that the OA can be disposed of following the judgement. The operative portion of the judgement is extracted below:

"15. For the aforesaid reasons we declare that the applicants are entitled to be considered for appointment to all the shortfall vacancies reserved for SC in preference to any direct recruit and that they shall be considered for appointment along with any other SC retrenched casual labourers, like them, on the basis of their inter-se seniority and such appointment shall be granted to them, within two months from the date of receipt of this order. It is made clear that the number of shortfall vacancies in Group 'D' shall not be treated as diminished by appointment of direct recruits by orders like Annexure-A6 as such appointments are irregular, and will not affect the request of the applicants for absorption. We

further make it clear that while we ourselves have not quashed the Annexure-A6 order or the orders appointing other such direct recruits, it will be open to the respondents to terminate their services in accordance with law, if such action is required for implementation of this order and that this judgement shall not stand in their way for taking such action."

follow the above judgement and

3. We /quash the impugned order and declare that the applicant is entitled to be considered for appointment in the shortfall vacancies reserved for SC in preference to any direct recruits. He shall be considered for appointment along with any other retrenched casual labourer like him on the basis of the seniority and turn. This shall be done within a period of three months from the date of receipt of a copy of this order.

4. The OA is allowed as above. No costs.


S. Kasipandian

(S KASIPANDIAN)
MEMBER(A)


N. Dharmadan
12.1.94

(N DHARMADAN)
MEMBER(J)

TRS