

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 137 of 1994

Thursday this the 3rd day of November, 1994

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. P.Sivadasan, Sr.Gangman,
Office of the Permanent Way Inspector,
Angadipuram.
2. P.Velayudhan, Sr.Gangman
Office of the Permanent Way Inspector
Angadipuram.
3. M.C.Bichali, Gangman
O/o Permanent Way Inspector,
Calicut.
4. K.Hamsa Koya, Sr.Gangman,
O/o Permanent Way Inspector
Angadipuram. Applicants

(By Advocate Mr. R.Santhoshkumar)

Vs.

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

(By Advocate Mr. P.A.Mohammed, Standing Counsel for Railways)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants who are Senior Gangmen/Gangman
stake a claim for absorption as Tindals. They say
that Mopila Khalasis who are junior to them have been
absorbed as Tindals.

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2. In answer, respondents would say that Tindals are appointed from among Mopila Khalasis who are casual labourers awaiting regularisation, that applicants are no longer Mopila Khalasis but regular employees and that the comparison is misleading. It is stated in the reply statement that the applicants have been working as regular Gangmen for more than nine years. After getting regularisation they are trying to steal a march over Mopila Khalasis (Casual Labourers) who are yet to get regularisation. The decasualised vacancies of Tindals are intended to provide for Mopila Khalasis who have been functioning as casual labourers for long without regularisation. Those like applicants who have already obtained regularisation cannot steal a march over others in an attempt to advance their personal prospects.

3. We find no legally enforceable rights in applicants to get the reliefs prayed for. We dismiss the application but without costs.

Dated 3rd November, 1994.



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN