

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 15 199 3.

DATE OF DECISION 13.1.93

K. Gopinathan & 15 others Applicant (s)

M. P. Sivan Pillai Advocate for the Applicant (s)

Versus

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

M. M.C. Cherian Advocate for the Respondent (s)

CORAM :

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

The Hon'ble Mr. R. Rangarajan, Administrative 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

M.P. 78/93 for joint application heard, allowed.

2. The limited prayer of the 16 applicants who have filed this application under section 19 of the Administrative Tribunals Act, 1985 is that they are entitled to the benefit of declaration in Annexure A-1 judgment in O.A. 849/90 dated 27.1.92 since they are similarly situated like the applicants in that case.

3. According to the applicants they are at present working as regular employees in the Signal and Telecommunication Workshops of the Southern Railway in Palakkad Division. They have given the details of their service in the paras dealing with the facts of the case. They have submitted that they

have completed six months regular service under the respondents but they were not given the benefit of temporary status after completion of that period. Persons similarly situated like the applicants have filed O.A. 849/90. This Tribunal after considering the question declared law and disposed of the application in the following manner with direction:

"In the conspects of facts and circumstances, therefore, we allow this application, set aside the impugned order at Annexure A-5 and hold that the applicants have been in continuous service under the Sr. DSTE which is a non-project permanent establishment right from the date of their initial continuous engagement as casual labour and are deemed to have attained temporary status on expiry of six months of such dates as indicated in the O.A. as non-project casual labour. The respondents are directed to treat the applicants as temporary Railway servants under para 2511 of the Indian Railway Establishment Manual with all consequential benefits."

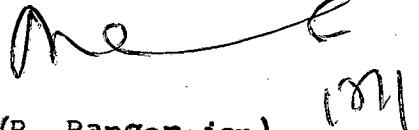
4. Thereafter, some of the applicants filed Annex.II representation before the Chief Personnel Officer, Southern Railway Madras seeking similar reliefs stating that they are also similarly situated like the applicants in O.A. 849/90.

5. At the time when the application came up for admission, learned counsel for respondents was not able to distinguish the case of the applicants. After hearing learned counsel for both parties, we feel that the application itself can be disposed of at the admission stage itself with appropriate direction.

6. In this background, we admit the application and dispose of the same directing the applicants to file a joint application before the fourth respondent giving facts to establish that they are also similarly situated like the applicants in O.A. 849/90. This shall be submitted within

two weeks from the date of receipt of a copy of this judgment. If such a representation is received by the second respondent, he shall consider the same in the light of Annexure A-1 judgment and decide the issue and communicate the decision to the applicants. This shall be done within a period of two months from the date of receipt of the representation ~~fully~~ as directed above.

7. The application is disposed of on the above lines.
8. There shall be no order as to costs.


(R. Rangarajan)

Administrative Member


13.1.93
(N. Dharmadan)
Judicial Member

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