

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.159/99

Tuesday this the 9th day of February, 1999.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

1. M.S.Viswanathan, S/o M.A.Sankaran,
Senior Gate Keeper,
Southern Railway, Wadakkancherry
Railway Section, residing at
Railway Quarters, Wadakkancherry.

2. K.Mohandas S/o K.Sankunny,
Senior Gate Keeper,
Southern Railway,
Wadakkancherry Railway Station,
residing at Railway Quarters,
Wadakkancherry PO.

3. K.S.Dharmarajan,
S/o Sankaran,
Senior Gate Keeper,
Southern Railway,
Wadakkancherry Railway station,
residing at Railway Quarters,
Wadakkancherry PO.

4. V.Chandran,
S/o V.Padmanabhan,
Gate Keeper, Southern Railway,
Wadakkancherry Railway Station,
Residing at Deepthi Nivas,
Post. Wadakkancherry,
Palghat District.

...Applicants

(By Advocate Mr. K.M. Anthru)

Vs.

1. The General Manager,
Southern Railway,
Headquarters Office,
Park Town PO, Madras.3.

2. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division,
Trivandrum.

3. The Labour Enforcement Officer (Central)
Office of the Regional Labour Commissioner
(Central), Kalathiparambil Road,
Kochi.

...Respondents

(By Advocate Mrs. Sumati Dandapani (for R.1&2)

...2

The application having been heard on 9.2.99, the Tribunal on the same day delivered the following:

O R D E R

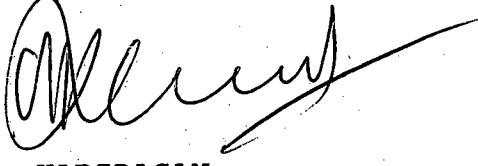
HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicants four in number are working as Senior Gate Keepers/Gate Keeper in Wadakkancherry under the Trivandrum Division of the Southern Railway. xxxxxxxxxxxxxxxx They stood classified as essentially intermittent. But finding that the workload of the various gates on which they are put in charge have increased they have been making repeated representations for re-classification as continuous. The first representation was made by them on 28.8.93. They have made a last representation on 16.12.97. Their grievance is that they did not receive any response to their representations and that their grievances remain unattended to. Under these circumstances, the applicants have filed this application for a declaration that the hours of employment of the applicants as Gate Keepers of level crossing gates at K.M.14/10-11 and K.M.15-6-7 attached to Wadakkancherry Station of Southern Railway as essentially intermittent is arbitrary, discriminatory and unconstitutional and for other reliefs.

2. When the application came up for hearing, counsel on either side agree that the application may be disposed of with a direction to the first respondent to consider the representation (A5) submitted by the applicants and to pass appropriate orders after completion of a job analysis as required in accordance with the rules and instructions on the subject and to give the applicants appropriate orders.

3. In the light of the above submission of the learned counsel and as agreed to by them, the application is disposed of with a direction to the first respondent to consider the representation submitted by the applicants (A5) and to take an appropriate decision and communicate the same to the applicants within a period of six months after conducting a job analysis by the competent authority as required in terms of the rules and instructions on the subject. There is no order as to costs.

Dated this the 9th day of February, 1999.



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A5: True copy of representation dated 16.12.97 submitted by the applicants to the first respondent.