

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
~~XXXXXX~~

168/92 1992
Dy. No. 932/92

DATE OF DECISION 29.1.1992

M.C. Abubacker & another Applicant (s)

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

Versus

Executive Engineer
(Construction), Southern Railway Respondent (s)
Kayamkulam and others

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

CORAM :

The Hon'ble Mr. S.P. Mukerji - Vice Chairman

and

The Hon'ble Mr. A.V. Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? ☒
2. To be referred to the Reporter or not? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement? ☒
4. To be circulated to all Benches of the Tribunal? ☒

JUDGEMENT

(Hon'ble Shri S.P. Mukerji, Vice Chairman)

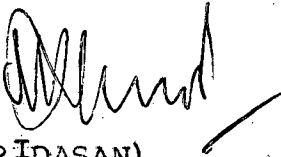
Heard the learned counsel for both the parties on this application in which two applicants who are Casual Mechanic Grade II and Mappila Khalasi on casual basis ^{working} under the Executive Engineer (Construction), Kayamkulam and have been empanelled by Annexure.A.I dated 22.1.1992 for absorption as Gangman, have prayed that their empanelment may be quashed and the respondents directed to allow them to continue as casual labourers in their present assignment.

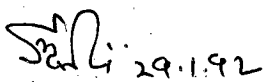
2. The learned counsel for the respondents have no objection to the prayer being granted subject to the condition that the applicants ^{should} express their unwillingness in writing and their undertaking the risk of being retrenched in accordance with law, if work is not available as casual labour.

3. In the circumstances we admit this application.

and in conformity with the decisions taken by this Tribunal in similar cases, dispose of the same with the direction to the respondents that the applicants shall be allowed to continue as casual workers in their present assignment and they will not be obliged to be sent as Gangman on the basis of the impugned order dated 22.1.92. The impugned order dated 22.1.92 is thus set aside in so far as the two applicants before us are concerned. It is made clear that the O.A. before us is to be deemed to be the expression of the applicants' written unwillingness to be absorbed as Gangman. The applicants ^{as casual workers} will ⁱⁿ any case be undertaking the risk of being retrenched in accordance with law in case work is not available. There will be no order as to costs.

4. A copy of the above order may be given to the learned counsel for the applicant on priority basis.


(A.V. HARIDASAN)
Judicial Member


(S.P. MUKERJI)
Vice Chairman

29.1.92

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