

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM EBNCH**

O.A. No. 168 OF 2006

Friday, this the 28th day of September, 2007.

CORAM :

**HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN
HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER**

P.M.Balan

Senior Non Artisan Khalasi (working as Helper)
Office of the Section Engineer (Works)
Southern Railway, Palakkad Division, Calicut
Residing at: Railway Quarters No.132-D,
Railway Colony, Calicut - 1

: **Applicant**

(By Advocate Ms. Latha Prabhakaran)

Versus

1. Union of India represented by the Secretary
Ministry of Railways
Rail Bhawan
New Delhi
2. The General Manager
Southern Railway
Chennai
3. The Senior Divisional Personnel Officer
Southern Railway, Palghat
4. The Divisional Railway Manager
Southern Railway, Palghat
5. The Section Engineer
Southern Railway, Calicut : **Respondents**

(By Advocate Mr.K.M.Anthru)

The application having been heard on 28.09.2007, the
Tribunal on the same day delivered the following :

O R D E R

HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN

The applicant who is a Non-Artisan Khalasi has sought the
following reliefs in this application:-

- i, To call for the records leading to Annexure A-1 and to
quash the same.

- ii, To issue a direction to the respondents to notify and fill up the posts of Grade I, II and III of carpenter, bricklayer, painter and the like Artisan Khalasis from among the Non-Artisan Khalasis with due regard to their seniority as Khalasis/Non-Artisan Khalasis.
- iii, Declare that the applicant being the senior most is eligible for promotion to the Grade III posts of artisan khalasis including the post of valveman with plumber khalasis and promote and appoint him to one of those posts without any delay.

2. He had earlier approached this Tribunal in O.A. 232/05 for considering him for the post of Valveman which was disposed of with a direction to the respondents to consider his representation which has since been disposed of by Annexure A-1 order dated 21.06.2005 stating that there is no sanctioned post of Valveman in this Unit and Non Artisan Khalasi can be utilised for any work allotted to Non Artisan Khalasi. He is continuing as Non Artisan Khalasi and there is no change of scale of pay or drop in emoluments etc.

3. Respondents have filed reply statement. They have pointed out that the applicant had earlier filed OA 828/04 alongwith certain others of the same category and the Tribunal had passed interim orders that procedure initiated vide the notification shall be kept in abeyance. O.A 828/04 since disposed of by order dated 20.03.2007 with the following direction:

"Under the above facts and circumstances and in the interest of justice, we direct that

- i, The selection process should continue forthwith
- ii, The case of the applicants should be considered along with other volunteers as the per the existing rules / orders/instructions etc.
- iii, If at all the candidature of the applicants for consideration itself is to be rejected for any reason whatsoever, they shall be informed about the same



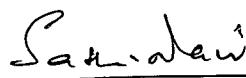
through a speaking order."

4. Copy of the order has now been produced before us. It is seen that the applicant in this case is the first applicant therein and the relief prayed for in that O.A is also identical viz., for a direction to the respondents to fill up the artisan khalasis from among the non artisan khalasis with due reference to their seniority.

5. Respondents have submitted in the reply statement that the applicant has now volunteered for the post of Grade II in response to the notification issued for filling up, And as per the final orders in OA 828/04 further actions to fill up the posts is under consideration. Since the selection process is under consideration of the respondents and the applicant is also one of the volunteers and a direction has already been given that the applicant shall also be called along with other volunteers, we find no merit in the present application seeking the same relief. The O.A is dismissed. No costs.

Dated, the 28th September, 2007.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN