

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.176/2004

Friday this the 10th day of February 2006.

CORAM:

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

P.Thomas,
Chettichatala Villa Veedu,
Nediyasala, Arumanai,
KANYAKUMARI DISTRICT-629151. Applicant

(By Advocate Shri Ajith Prakash)

Vs.

1. The Union of India,
represented by the General Manager,
Southern Railway, Chennai.
2. The Senior Divisional Personnel Officer,
Southern Railway,
Thiruvananthapuram. Respondents

(By Advocate Shri Sunil Jose)

The application having been heard on 10.2.2006
the Tribunal on the same day delivered the following

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant is a retrenched Casual labourer who have registered in the Live Register and eligible for reengagement in Group 'D' category. His grievance is that due to reduction in his seniority number in the Live Register from Sl.No.2023 to 2191 he could not be considered at the time of the Screening for filling up of a vacancy of Trackman in Group'D' pursuant to the notification dated 24.3.2003 (A3).

2. The contention of the respondents in the reply statement and the submission of the counsel for respondents is that, the applicant's seniority position is at Sl.No.2811 in the merged seniority list, which is admitted by the counsel for the applicant. The applicant should have approached the appropriate authority, if his earlier services were not counted and the

87/

seniority has not properly determined. It is also submitted that, it is for the authorities in the Construction organization who are the competent authorities, to redress his grievance.

3. It is submitted by the learned counsel for the applicant that the applicant came to know about his seniority only, when he approached the authorities at the time of screening and he was told that, his earlier seniority has not been taken into account. Immediately he preferred a representation as seen at A-4, which had not been considered and disposed of by the respondents till now, though there has been considerable delay in the applicant in approaching the authorities. In the circumstances pointed out by the counsel for the applicant that, he was informed of his seniority only at the time of screening and no other written communication had been received to him earlier, and the applicant being a poor Casual Labourer, I accept this contention that, the applicant was perhaps not aware of revision of the seniority. Therefore, in the interest of justice, I direct that the representation made by the applicant at A-4 shall be considered according to his seniority as determined and keeping in view the judgments of this Bench in the O.As.referred to above by the 2nd respondent and the same shall be disposed of by a speaking order to the applicant within a period of two months from the date of receipt of a copy of this order.

4. O.A. is disposed of as above. In the circumstance no order as to costs.

Dated the 10th February, 2006.

Sathi Nair
SATHI NAIR
VICE CHAIRMAN

rv