

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No.181/97

Monday this, the 3rd day of February, 1997.

CORAM:

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

HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

R.Sarojini,  
Substitute,  
Trivandrum Division,  
Justin Bhavan,  
Papappoor,  
Vellayani Post,  
Trivandrum.

.. Applicant

(By Advocate Mr. T.C.Govindaswamy)

vs.

1. Union of India through  
The General Manager,  
Southern Railway,  
Headquarters Office,  
Park Town P.O.  
Madras-3.
2. The Chief Personnel Officer,  
Southern Railway,  
Headquarters Office,  
Park Town P.O.  
Madras -3.
3. The Deputy Chief Personnel Officer,  
Southern Railway,  
Headquarters Office,  
Park Town P.O.,  
Madras -3.
4. The Divisional Railway Manager,  
Southern Railway,  
Trivandrum Division,  
Trivandrum-14.
5. The Senior Divisional Personnel Officer,  
Southern Railway,  
Trivandrum Division,  
Trivandrum- 14.

.. Respondents

(By Advocate Mr. James Kurien)

The application having been heard on 3.2.97, the Tribunal on the same day delivered the following:

ORDER

A.V.HARIDASAN, VICE CHAIRMAN:

The applicant was granted temporary status but when she was medically examined for absorption in a Group D post, she was adjudged not fit under medical category A2, but was found fit under medical category C2 only. She was thereafter not absorbed

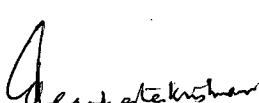
as a Group D nor was engaged as a casual labourer. She went on making representations. On one of her representations, the Divisional Personnel Officer, the third respondent addressed the Chief Personnel Officer, the second respondent on 1.7.94 recommending that the case of applicant could be considered for reengagement in medical department where there would be scope for engagement of candidates who are medically fit in C2 as a fresh entrant. Finding no favourable orders, despite the recommendation made by the third respondent, the applicant on 10.9.96 made a representation to the second respondent praying that her case for absorption in a Group D post as Peon may be considered. Finding no response to this representation and being unemployed, the applicant has filed this application praying for a declaration that the termination of her services without any order is illegal and non-operative, that she is entitled to be absorbed against a Group D vacancy in Trivandrum Division and for a direction to respondents to consider and appropriate orders passed on A9 representation.

2. When the matter came up today, learned counsel on either side agreed that the application may be disposed of with a direction to the second respondent to consider the representation dated 10.9.96(A9) and to give her a speaking order and if the applicant is found eligible to be absorbed in a Group D post, to give her the benefits within a reasonable time and that her case for reengagement as casual labour in the mean while will be considered.

3. In the light of the submission made by the learned counsel at the Bar, the application is admitted and disposed of with a direction to the second respondent to consider the representation dated 10.9.96(A9) of the applicant in the light of the letter written by the 5th respondent dated 1.7.94(A7), and taking into account the fact that the applicant

who had been rendering casual service has been found to be medically fit under C2 category and is remaining unemployed, with due sympathy and to take appropriate decision. We also direct that if on such consideration, it is decided that the applicant is entitled to be absorbed as a Group D Peon, the benefits arising from such a decision shall be made available to her within a period of two months from the date of communication of this order. In the mean while as the applicant is a temporary status casual labour and no order of termination of the same has been issued, the respondent shall consider taking her on duty as casual labour and continuing as such till she can be absorbed as a Peon. A speaking order in this regard shall be communicated within the said period. No costs.

Dated the 3rd February, 1997.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A7: A true copy of the letter No.V/P 407/II/Ty.Status/Vol.II dated 1.7.94 issued by the fifth respondent addressed to the third respondent.
2. Annexure A9: A true copy of the appeal dated 10.9.96 submitted by the applicant to the second respondent.

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