

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.

~~XXXXXX~~

184 /92

Dy.No.1010/92

DATE OF DECISION 31.1.1992

P.A.Shereefa Beevi

Applicant (s)

Mr.Ashok M Cherian

Advocate for the Applicant (s)

Versus

The Divisional Personnel

Officer, Personnel Branch

Southern Railway and others

Respondent (s)

Mr.M.C.Churian

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)

In this application dated 30.1.92 filed under Section 19 of the Administrative Tribunals Act the applicant who has been working as Woman Khalasi in the office of the Depot. Store Keeper (Construction), Southern Railway, Ernakulam has prayed that her empanelment and posting as regular Gangwoman by Annexure A.I in so far as she is concerned, be set aside and the respondents directed to allow her to continue in service as casual Khalasi doing the duties of Safaiwala till she is absorbed in her own line or until her services as casual Khalasi are terminated in accordance with law.

2. We have heard the arguments of the learned counsel, for both the parties and gone through the documents carefully. The learned counsel for the respondents has no

objection to the application being allowed if the applicant gives her written unwillingness to be empanelled and posted as Gangwoman and provided she undertakes the liability of casual worker being retrenched when work is not available.

3. In several similar cases of not only women Khalasi but male Khalasis also this Tribunal has been taking the stand that a casual Khalasi cannot be forced to go as a Gangman even though in the regular cadre, if he/she is unwilling to be absorbed as a Gangman/Gangwoman provided he/she undertakes the risk of being retrenched in accordance with law and prefers to look upto the meagre promotion quota in the regular line of Khalasis.

4. In the facts and circumstances, we allow this application, set aside the applicant's empanelment and posting as a Gangwoman at Annexure.A.I dated 15.1.92 so far as the applicant is concerned and direct that the applicant should be retained as a casual woman Khalasi until she is absorbed in the regular cadre or retrenched in accordance with law. There will be no

order as to costs. ^{fr} The O.A. itself should be taken to be the applicant's written expression of her unwillingness to join as Gangwoman in a regular cadre.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

31.1.92

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