

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.191/02

Friday this the 18th day of June 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K.HAJRA, ADMINISTRATIVE MEMBER

1. P.Theethu,
S/o.Sakkan,
Senior Gateman,
Southern Railway,
Karukutty Railway Station,
Ernakulam District.
2. P.V.Thomas,
S/o.P.T.Varkey,
Senior Gateman,
Southern Railway,
Karukutty Railway Station,
Ernakulam District.
3. P.I.Samuel,
S/o.P.A.Issac,
Gateman,
Southern Railway,
Karukutty Railway Station.
Ernakulam District.
4. K.P.Ittoop,
S/o.K.Poulo,
Gateman,
Southern Railway,
Karukutty Railway Station,
Ernakulam District.
5. K.I.Mujeeb,
S/o.K.K.Ibrahim,
Sweeper-cum-Porter,
Southern Railway,
Karukutty Railway Station,
Ernakulam District.
(Now on training as Mechanical Fitter)
6. K.D.Jose,
S/o.K.A.Daniel,
Gateman,
Southern Railway,
Karukutty Railway Station,
Ernakulam District.

Applicants

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by
the General Manager,
Southern Railway,
Park Town P.O.,
Chennai - 3.

2. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum - 14.

Respondents

(By Advocate Mrs.Sumathi Dandapani)


This application having been heard on 18th June 2004 the Tribunal on the same day delivered the following :

O R D E R

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

When the application was filed applicant 1-6 were working as Gateman under the Karukutty Railway Station. Their grievances is that while they were classified as essentially intermittent in the year 1985 on account of the increase in train traffic there is a requirement of reclassifying it continuously and this is not being done despite several requests made by them in that behalf. Therefore, the applicants have filed this application for the following reliefs :

- a. declare that the non-feasance on the part of the 2nd respondent to conduct a job analysis and re-classify the rosters of the Gateman employed at KM 74/28-30 and at KM 73/4-6 near Karukutty Railway Station, and to re-classify the same as "intensive"/"continuous", as the case may be, is arbitrary, discriminatory, contrary to law and unconstitutional.
- b. direct the respondents to conduct a job analysis and to ensure re-classification as stated in para 8(a) above, and to grant the consequential benefits thereof, with effect from the dates from which the applicants are employed at Karukutty Railway Station ; or in the alternative ;
- c. direct the 2nd respondent to take a final decision on Annexure A-2 within a time limit, as may be found just and proper by this Hon'ble Tribunal, and to grant the consequential benefits thereof.

2. The respondents in their reply statement contend that classification, reclassification etc. are to be made by the competent authority in exercise of executive and administrative functions taking into account the job requirement and judicial
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intervention in such matters is not called for. However, they have indicated that in a similar case in O.A.1117/00 the Tribunal disposed of the matter directing the competent authority to look into the matter and take a decision and this application also deserves similar dispensation.

3. We have heard the learned counsel on either side. One of the prayers made by the applicant is for a direction to the respondents to consider Annexure A-2 representation. Since respondents in the reply statement itself indicated that this application should deserve similar treatment as in O.A.1117/00 we consider it appropriate to dispose of the application directing the 1st respondent to consider Annexure A-2 representation and to take an appropriate decision and to communicate the same to the applicants within a period of four months from the date of receipt of a copy of this order. No order as to costs.

(Dated the 18th day of June 2004)


S.K. HAJRA
ADMINISTRATIVE MEMBER

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A.V. HARIDASAN
VICE CHAIRMAN