

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.202/2003.

Wednesday this the 16th day of April 2003.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

C.Yesodha, D/o Chellayyan,
Ex-Casual Labourer, Residing at:
Kanjiravila House, Parasala P.O.
Thiruvananthapuram District. Applicant

(By Advocate Shri T.C.Govindaswamy)

vs.

1. Union of India represented by the General Manager, Southern Railway, Headquarters Office, Park Town P.O., Chennai-3.
2. The Chief Personnel Officer, Southern Railway, Headquarters Office, Park Town P.O., Chennai-3.
3. The Senior Divisional Personnel Officer, Southern Railway, Trivandrum Division, Trivandrum-14.
4. The Divisional Railway Manager, Southern Railway, Trivandrum Division, Trivandrum-14.

(By Advocate Shri Thomas Mathew Nellimootttil)

The application having been heard on 16th April, 2003, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.K.V.SACHIDANANDAN, MEMBER

The applicant who commenced service as Casual Labourer under the Permanent Way Inspector, construction, Southern Railway, Kottar Nagercoil, was retrenched from service for want of work. It is averred that the applicant was borne in the merged seniority list of Trivandrum Division and that the respondents are bound to adhere the position in the seniority list for empanelment/absorption. The respondents have empanelled/absorbed several persons overlooking the priority of

the applicant. The applicant submitted a representation to the 3rd respondent which was rejected by A-2 order stating that the applicant had not reported to his office within the prescribed time in response to paper notifications. In Annexure A-2, it was indicated that the retrenched casual labourers upto S1.no.2000 in the merged seniority list were advised through various prominent news papers to report to his office with original documents such as Casual Labour Card, certificate in proof of date of birth etc. on or before 21.9.98 for considering them for re-engagement. The applicant submitted that she was not aware of A-2 notification and the applicant submitted A-3 Appeal to the 4th respondent. Thereafter, the applicant came to know about A-5 order passed by this Tribunal in O.A.970/2001 wherein similarly aggrieved person was granted the relief and therefore, she has filed A-6 representation dated 20.6.2002 to the 1st respondent. There was no response. Aggrieved by the non-consideration of her claim, the applicant has filed this application seeking the following reliefs.

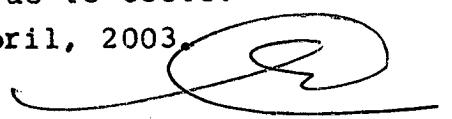
- a) Call for the records leading to the issue of Annexure-A2 and quash the same.
- b) Declare that the applicant is entitled to be considered for appointment as Group D Railway employee on par with her juniors by virtue of her position in the seniority list and to direct the respondents to appoint her accordingly and to grant her consequential benefits thereof.
- c) Award costs of and incidental to this application.
- d) Pass such other orders or direction as deemed just, fit and necessary in the facts and circumstances of the case.



2. In the O.A. the applicant has filed a M.A.215/03 for condonation of delay in filing the O.A. Considering the arguments advanced by the counsel this Court is of the opinion that the delay would be condoned and the representation would be considered.

3. When the case came up for hearing learned counsel for the applicant submitted that he would be satisfied if the 2nd respondent is directed to dispose of the representation within a time frame. Learned counsel for the respondents submitted that he is not sure that A-6 representation has been received by the department or not. Considering the submissions made by the learned counsel and in the interest of justice, this Court directs the applicant to submit a comprehensive representation to the 2nd respondent within two weeks from today and if such a representation is received by the 2nd respondent, the same shall be disposed of as expeditiously as possible ^{but} in any case within two months from the date of receipt of the representation with reference to A-5 and A-7. No order as to costs.

Dated the 16th April, 2003.


K.V.SACHIDANANDAN
JUDICIAL MEMBER

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