

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.209/2003.

Wednesday this the 2nd day of April 2003.

CORAM:

HON'BLE MR.T.N.T NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

M.Prabhakaran Nambisan,
Permanent Bearer/Server,
Vegetarian Refreshment Room,
Ernakulam Junction. 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 Chief Commercial Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Madras-3.
4. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum-14. Respondents

(By Advocate Smt.Sumathi Dandapani)

The application having been heard on 2nd April, 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant, Shri Prabhakaran Nambisan, is presently working as a regular Bearer/Server at Ernakulam junction of Southern Railway. His grievance is that he ought to have been regularly absorbed as Bearer w.e.f.4.3.89, the date on which some of his juniors were absorbed on regular basis as Bearer. The main prayer in this O.A. is to issue a direction to the respondents to regularise the applicant at least on notional basis from 4.3.89 when his juniors were regularly absorbed and to grant him all consequential service benefits arising therefrom.

Or

2. When the matter came up for admission Shri T.C.Govindaswamy, learned counsel for the applicant pointed out that, by representation dated 4.6.2002 (A5) the applicant had requested the Chief Personnel Officer, Southern Railway (R-2) to consider his case for notional promotion with effect from 1989 on the ground that many of his juniors were given regular absorption with effect from that date. However, Smt.Sumathi Dandapani, learned counsel for the respondents has pointed out that, the applicant has not mentioned the names of the juniors who were given such regularisation with effect from 4.3.89. During the course of arguments, learned counsel for the applicant submitted that the applicant might be permitted to furnish a supplementary representation along with supporting material to show that he was entitled to regular absorption with effect from 4.3.89 on which date, some of his juniors were given regular absorption. Learned counsel for the respondents agreed that, if such a representation is made with all supporting documents, the respondents would have no objection to consider the applicant's case in accordance with the extant instructions and orders on the subject. Learned counsel for the applicant would state that if such a course of action is taken, the purpose of this O.A. would be served.

3. On the basis of the submission made by the learned counsel on either side, we proceed to dispose of this O.A. by permitting the applicant to make a supplemental representation to augment the representation A-5 along with supporting material, if any, within two weeks from today and directing the 2nd respondent to

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consider such representation, if made, within two weeks from today on the basis of the records and in accordance with the rules and instructions on the subject and pass appropriate orders and communicate the same to the applicant within a period of three months from the date of receipt of such representation. Application is disposed of accordingly with the above orders/directions. No costs.

Dated the 2nd April 2003.



K.V.SCHIDANANDAN
JUDICIAL MEMBER



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

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