

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 225 of 2005

Monday, this the 18th day of April, 2005

CORAM

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

1. K.K. Basheer,
S/o late Kunjooran Kutty,
Ex-Casual Labourer, Southern Railway, Palghat
Residing at Manakkampattu Padikakael House,
Kamba, Kinavallor Road Post, Paroli,
Palghat District. Applicant

[By Advocate Ms Sumi P Baby for Mr. T.C. Govindaswamy]

Versus

1. Union of India, represented by
General Manager, Southern Railway,
Headquarters Office, Park Town Post, Chennai – 03
2. The Divisional Railway Manager,
Southern Railway, Palghat Division, Palghat.
3. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division, Palghat. Respondents

[By Advocate Mr. Thomas Mathew Nellimoottil]

The application having been heard on 18-4-2005, the
Tribunal on the same day delivered the following:-

ORDER

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

The applicant is a retrenched casual labourer under the Permanent Way
Inspector/Construction Wing of Southern Railway, Palghat Division. The



applicant pleads that his name is in the live register of retrenched casual labourers. His grievance is that his juniors appeared in the live register of retrenched casual labourers have been invited and given re-engagement and absorption till 2005 and so far the applicant has not been invited for consideration. He has made representations Annexure A1 to A3 and so far no communication or reply received. Aggrieved by the said inaction, the applicant has filed this Original Application seeking the following reliefs:-

"a) Declare that the applicant is entitled to be considered for re-engagement/absorption as Group 'D' employee under the Respondents in preference to his juniors borne in the list of retrenched casual labourers;


b) Direct the respondents to consider, re-engage and absorb the Applicant as a Group 'D' employee in preference to his juniors and at par, with all consequential benefits emanating there-from;

c) Award costs of and incidental thereto; and

d) Pass such other orders or directions as deemed just and fit by this Hon'ble Tribunal."

2. Ms. Sumi P Baby representing Mr. T.C. Govindaswamy, learned counsel appeared for the applicant and Mr. Thomas Mathew Nellimoottil, learned counsel appeared for the respondents.

3. When the matter came up for hearing, learned counsel for the applicant submitted that two representations dated 19-3-2003 (Annexure A1) and 7-3-2005 (Annexure A2) were sent to the respondents followed by a letter from the Union members for which no reply has been received. Learned counsel submitted that the applicant will be satisfied if a direction is given to the respondents to consider and dispose of those representations within a time frame. Learned counsel for the

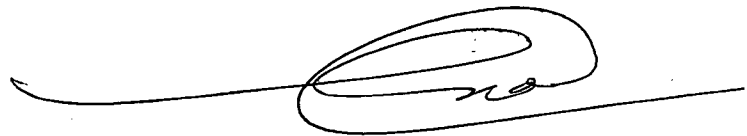


respondents, on the other hand, submitted that he is not aware whether those representations have been received or not and if such representations are received by the respondents, he has no objection in adopting such a course of action.

4. In the interest of justice, this Court also is of the opinion that disposal of the representations will suffice to meet the ends of justice. Therefore, this Court directs the 3rd respondent to consider Annexure A1 and A2 representations submitted by the applicant, pass a speaking order thereon and communicate the same to the applicant within a period of two months from the date of receipt of a copy of this order. Learned counsel for respondents is directed to send copies of the representations along with the copy of the Original Application to the concerned authority.

5. The Original Application is disposed of as above at the admission stage itself. In the circumstances, no order as to costs.

Monday, this the 18th day of April, 2005



K.V. SACHIDANANDAN
JUDICIAL MEMBER

Ak/NRP