

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 228 of 1992

DATE OF DECISION 24-2-1992

A Chinnammini & 3 others Applicant (s)

Mr M Ramachandran Advocate for the Applicant (s)

Versus

Union of India & another Respondent (s)

Mr MC Cherian Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
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

(Mr AV Haridasan, Judicial Member)

We have heard the learned counsel for both the parties.

In the final order passed in OAK-75/87, the Railway Administration was directed to give the applicants in this case who were applicants in that case as well, suitable notional employment with effect from the dates on which their juniors were engaged with all consequential benefits. In purported implementation of the above direction, the Divisional Personnel Officer, Palghat on 25.9.1989 issued Annexure-II order directing the Divisional Engineers and Assistant Engineers etc. concerned to re-engage the applicants giving them notional seniority from the dates of their juniors male or female casual labourers

continued to be employed. It also contains a direction that they should be allowed notional increments etc. The grievance projected in this application is that the applicants are still retained as CPC Mazdoors while several of their juniors have been screened and absorbed in the regular service of the Railways with effect from 1983 onwards. To illustrate this position, the applicants have annexed an order dated 22.9.1983 at Annexure-IV, wherein some persons were absorbed as regular Gangmen. The case of the applicants is that some of these persons are juniors to them as casual mazdoors. On behalf of the applicants, the General Secretary of the Railway Gangmens Association made a representation on 25.6.1990 to the Senior Divisional Personnel Officer, Southern Railway, Palghat requesting that the position may be examined and the applicants be regularly absorbed in service of the Railways without delay. Finding no response to this application, the applicants have filed this application praying that the respondents may be directed to regularise the applicants' service with effect from the dates their juniors in service were regularised and to grant them all consequential benefits of seniority and increments.

2. When the application came up for admission, the learned counsel on either side submitted that the proper course would be to give the Railway Administration an opportunity to examine the case of the applicants with reference to the relevant documents and to take a decision. We find that this as

suggested by the learned counsel is the appropriate direction that should be given in the circumstances of the case. In the result, we admit the application and dispose of the same with the following directions:

- i) The applicants may within a period of two weeks from today make a representation detailing their grievance in regard to their regularisation giving details of their juniors who had been absorbed in regular service earlier,
- ii) The second respondent is directed to dispose of such a representation, if made, by the applicants within the said time to dispose of the representation with reference to the relevant documents produced by the applicants as well as/available with the Department within a period of four weeks from the date of receipt of the representation and to communicate the decision to the applicants with/reasoned and speaking order.

There is no order as to costs.
MP-251/92 for joint application is allowed.


(AV HARIDASAN)
JUDICIAL MEMBER


24.2.92
(SP MUKERJI)
VICE CHAIRMAN

24-2-1992

trs