

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATE OF DECISION: 10-11-1989

PRESENT:

Hon'ble Shri S.P. Mukerji, Vice Chairman
&
Hon'ble Shri A.V. Haridasan, Judicial Member

ORIGINAL APPLICATION NO.23/1989

1. T. Khader
2. C.Saidalavi.
3. K.Imbichikoya.
4. K.Abdul Rasheed.
5. M. Ahammed Koya.
6. A.K.Abdul Rahiman.
7. M.K.Ahammed.
8. M.K.Abdul Rahiman.
9. P.Mayin.
10. P.N.Saidalavi.
11. M.Chandran.
12. A.Sainudheen.
13. K.Kuttappan.
14. K.Sankaran Kutty.

.. Applicants

Vs.

1. The Divisional Personnel Officer,
Divisional Officer(Personnel
Branch), Southern Railway,
Trivandrum.
2. The Executive Engineer(Constn),
Southern Railway,Ernakulam.
3. The Chief Bridge Inspector(Constn),
Southern Railway, Ernakulam.
4. The Assistant Engineer(Open Line),
Southern Railway, Ernakulam.

.. Respondents.

Counsel for the applicants

.. M/s Ashok M Cherian,
Mathew Valsalan,
CA Joy.

Counsel for the respondents

.. Mrs.Sumati Dandapani

OR D E R

(Shri S.P. Mukerji, Vice Chairman)

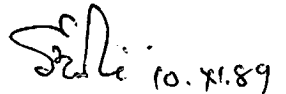
In this application under Section 19 of the
Administrative Tribunals Act, the 14 applicants who have
been working as Casual Labour in the Skilled and Semi-
Skilled category under the Executive Engineer (Construct-
ion) and Chief Bridge Inspector(Construction), Southern
Railway, Ernakulam have prayed that the impugned order

dated 15-12-1988 at Appendix-I empanelling them for regular appointment as Gangman should be set aside in so far as the applicants are concerned and that the respondents be directed to allow them to continue in their present post, until they are absorbed on a regular basis in the Skilled grades in accordance with paragraph 2512 of the Indian Railway Establishment Manual. This Tribunal has decided ⁱⁿ a catena of ^{similar} cases in which it was directed that those casual workers in the Skilled and Semi-skilled category who preferred to stay back as casual workers rather than get absorbed as Gangman should not be forced to join as Gangman subject to their being retrenched in accordance with law in case such a ^{contingency} ~~tendency~~ arises before they can be absorbed in their own lines in the Skilled category against the 25 percent of 50 percent quota. In the instant case before us, the learned counsel for the respondents indicated that the applicants No. 4, 12, 13 & 14 have already joined as Gangmen but other applicants are still working in their original posts giving a declaration that they are not willing to be absorbed as Gangmen. The learned counsel for the respondents has no objection to their being continued ^{casual worker} as ~~Gangmen~~ subject to their undertaking the risk of their being retrenched in accordance with law. The learned counsel for the applicant does not wish to press for the relief claimed in so far as the applicants No. 4, 12, 13 & 14 are concerned who ^{have} ~~were~~ already joined as Gangmen. Accordingly we allow this application ^{only} in respect of the applicants excluding applicants No. 4, 12, 13 and 14, with the direction that the applicants

other than the aforesaid four applicants should be allowed to be continued in their existing posts subject to their being retrenched in accordance with law, in case such a ^{contingency} ~~tendency~~ arises before they are absorbed in the Skilled grade in their own quota. There will be no order as to costs.



(A.V. HARIDASAN)
JUDICIAL MEMBER

 10.11.89

(S.P. MUKERJI)
VICE CHAIRMAN

10-11-89

Sn.