

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATED TUESDAY THE FIFTH DAY OF SEPTEMBER ONE THOUSAND  
NINE HUNDRED EIGHTY NINE.

P R E S E N T

HON'BLE SHRI S.P MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI N.DHARMADAN, JUDICIAL MEMBER

ORIGINAL APPLICATION NO. 262/87

1. C.Balan
2. G.Sreedharan
3. J.I.Stephen
4. C.Vijayan Pillai

.. Applicants

v.

1. Union of India represented by the General Manager, Southern Railway, Madras.
2. The Divisional Railway Manager, Southern Railway, Trivandrum Division, Trivandrum.
3. Assistant Engineer, Southern Railway, Quilon.
4. P.Sasimohan
5. V.Nelson
6. A.Viswabarhan
7. R.Karunakaran
8. S.Bhargavan
9. M.Surendran Pillai
10. P.T.Balakrishnan
11. M.K.Narayanan Pillai
12. M.Nelson

.. Respondents

M/s. K.A.Ahraham &  
Majnu Komath

.. Counsel for the  
applicants

Smt. Sumathi Dandapani

.. Counsel for  
R1 to 3.

M/s. M.Ramachandran & P .V Abraham

.. Counsel for  
R4 to 12

O R D E R

Shri S.P Mukerji, Vice-Chairman

In this application dated 27.3.1987 filed under Section 19 of the Administrative Tribunals Act, the applicants who have been working as Skilled and Semi-Skilled workers under the Permanent Way Inspector, Quilon in the Southern Railway, have challenged their appointment as

temporary Gangmen by the impugned orders dated 24.3.87.

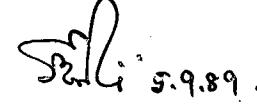
Their contention is that they are working in the Skilled and Semi-skilled categories in the pay scales of Rs.950-1500 and Rs.800-1150 and by the impugned order they have been posted in the Un-skilled category in the pay scale of Rs.775-1025. Such a reduction in rank is violative of Article 311 of the Constitution. Their contention is that the vacancies under the Bridge Inspector's section where they are working are being filled up by importing Un-skilled labourers from the P.W.I section. They have also sought empanelment for regularisation in their own category.

2. No counter affidavit has been filed by the respondents, but the learned counsel for the respondents argued that this case may be decided on the basis of similar cases in which those working in the Skilled/Semi-skilled categories have been allowed to be retained by the respondents as Casual Labourers and to forego regular absorption in the lower category of Gangman, if they <sup>are</sup> ~~were~~ unwilling to be absorbed as Gangman. The learned counsel reiterated that the applicants in that contingency will have to take the risk of being retrenched as Casual <sup>workmen</sup> ~~labourers~~ in case there is no work for them. The learned counsel for the applicants has no objection to such a dispensation. Accordingly, we allow this application, set aside the impugned order dated

24.3.87 at Annexures 1 and 2 in so far the applicants are concerned and direct that the applicants should be continued to work in their present cadre of Skilled/Semi-skilled Casual ~~Workers~~ and considered for absorption in <sup>Workers</sup> their own cadre in the 25% of 50% promotion quota. The applicants, will, however be subject to the risk of being retrenched in accordance with law, prior to their absorption in the regular cadre. There will be no order as to costs.

  
5.9.89  
(N.DHARMADAN)

JUDICIAL MEMBER

  
5.9.89  
(S.P. MUKERJI)  
VICE CHAIRMAN

n.j.i