

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.290/2003.

Wednesday this the 16th day of April 2003.

CORAM:

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

(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 Divisional Personnel Officer, Southern Railway, Palghat Division, Palghat.
3. Senior Divisional Engineer, Southern Railway, Palghat Division, Palghat.
4. Divisional Railway Manager, Southern Railway, Palghat Division, Palghat.

(By Advocate Smt. Sumathi Dandapani)

The application having been heard on 16th April, 2003, the Tribunal on the same day delivered the following:

ORDER

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

The applicant is a member of the Scheduled Caste Community who was initially engaged as a Casual Labourer w.e.f.27.8.83 under the Inspector of Works (Construction) Parli and was retrenched for want of work on 2.7.84. He submitted that the respondents are not reengaging the applicant or absorbing him whereas many of his juniors have been absorbed during 1996 and he submitted that the respondents revised the Casual Labour Register, consisting only those casual labourers who were

retrenched in Group 'D' scales. The applicant submitted representations dated 7.10.96 and 3.6.97. There was no response. Aggrieved by the non-consideration of his re-engagement and also aggrieved by the fact that the persons having lesser length of service than the applicant have been considered for re-engagement, the applicant submitted a representation on 4.7.98 which was followed by various representations dated 10.9.99, 11.5.2001 and 6.1.2002. There was no response. He also claimed that those who are in the Live Register of casual laborers between 635 and 1395 could be considered whereas he comes within that rank since his serial number would be 980 much below the persons with lesser length of service than the applicant. Therefore he filed this O.A. seeking the following reliefs.

- a) Declare that the non-feasance on the part of the respondents to consider the applicant for regular absorption along with those who are in Annexure A5 (having lesser number of days of casual labour service than the applicant) is arbitrary discriminatory and unconstitutional.
- b) Direct the respondents to consider the applicant for regular absorption as a gang man (Trackman) in preference to retrenched casual labourers having lesser length of service than the applicant, and who have been so included in Annexure A-5, and direct further to grant all the consequential benefits emanating therefrom.
- c) Award costs of and incidental to this application.
- d) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. When the matter came up for hearing Shri TC Govindaswamy appeared for the applicant and Smt. Sumathi Dandapani appeared for the respondents. Learned counsel for the applicant submitted that the applicant would be satisfied if the respondents are directed to dispose of the representation(A6) and to pass appropriate orders within a time frame.



3. Learned counsel for the respondents submitted that they have not received any representation as claimed in the O.A. and it could not have been disposed of. This Court feel it necessary to direct the applicant to make a comprehensive representation to the 4th respondent. Accordingly, in the interest of justice, the applicant is directed to make a comprehensive representation to the 4th respondent within two weeks from today and if such a representation is received, the 4th respondent or any other authority competent to dispose of the representation shall dispose of the same with reference to the rules, instructions and orders on the subject and pass appropriate orders within three months from the date of receipt of the representation.

4. With the above observation the O.A. is disposed of with no order as to costs.

Dated the 16th April, 2003.


K.V.SACHIDANANDAN
JUDICIAL MEMBER

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