

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 291  
T. A. No. \_\_\_\_\_

199 2

DATE OF DECISION 26.3.92

P. Krishnan

Applicant (s)

Mr. G. Hariharan

Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)  
General Manager, Southern Railway,  
Madras and others

Mr. M. C. Cherian

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.S. HABEEB MOHAMED, ADMINISTRATIVE MEMBER.

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement?
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. N. DHARMADAN, JUDICIAL MEMBER

The applicant worked under the second respondent as a casual labourer from 1970 up 21.3.1983. His grievance is that in spite of direction from the High Court to dispose of his representation, the respondents have not considered his claim and passed appropriate orders except sending Annexure A-2 letter dated 17.3.86 informing him that respondents are seeking clarification from the Supreme Court in regard to the implementation of the directions in Inderpal Yadav's case.

2. According to the applicant, when his service was terminated in 1983, he filed O.P. 7636/85 before the High Court which was heard and disposed of as per Annexure A-1

judgment directing disposal of Annexure R-5 representation therein submitted by the applicant in the light of the decision of the Supreme Court in Inderpal Yadav vs. Union of India (1985 (2) SCC 648). Thereafter, he got Annexure A-2 intimation which he is challenging in this case. He waited for some time for getting further intimation and submitted repeated representations. Ultimately, he sent Annexure A-3 lawyer's notice dated 23.7.91 to the Sr. Divisional Personnel Officer and others of the Southern Railway, Palghat stating all the facts and claiming that he is entitled to re-engagement.

3. When the matter came up for admission on 12.3.92 the learned counsel for the respondents was directed to get instructions on the matter. Accordingly, he produced the file pertaining to the disposal of the applicant's representation pursuant to the direction of the High Court and submitted that the direction of the High Court has been complied with by passing an order dated 5.5.1987. He further submitted that copy of the order has been served on the applicant, but there is no acknowledgment or other evidence to show that such an order has been communicated to the applicant.

4. In this <sup>order</sup> itself, they have admitted that the applicant has been working in the Railway and he has been granted temporary status taking into consideration 339 days of casual service rendered by him. In the order it is also stated that the applicant is far junior for being considered

for screening and empanelment. However, from the order it is clear that the applicant's name is included in the list of casual mazdoors for being regularised in terms of the direction of the Supreme Court. Since Annexure A-3 lawyer's notice and Annexure A-6 representation are ~~remained~~<sup>b</sup> undisposed, we are not considering the contentions raised by the applicant before us. We are leaving it to the <sup>in consideration b</sup> Administrative authority to consider ~~it~~<sup>b</sup> and pass appropriate orders in accordance with (a.i. b)

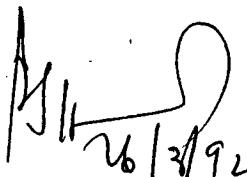
5. Accordingly, we are satisfied that justice will be met in this case if we dispose of the application directing the second respondent to dispose of Annexure A-3 along with Annexure A-6 which has been ~~been pending~~<sup>submitted b</sup> along with this application as ~~as~~<sup>b</sup> part ~~of the documents~~<sup>b</sup>. Hence, we admit this application and direct the second respondent to pass orders on the representations submitted by the applicant within a period of two months from the date of receipt of a copy of this judgment. A copy of the final order so passed, should be served on the applicant without delay.

6. The application is disposed of as above. There will be no order as to costs.



26.3.92

(N. DHARMADAN)  
JUDICIAL MEMBER



(P.S. HABEEB MOHAMED)  
ADMINISTRATIVE MEMBER

knn