

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATED THE 30TH OCTOBER ONE THOUSAND NINE HUNDRED AND  
EIGHTY NINE

PRESENT

HON'BLE N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. No. 296/89

1. C. Thomas,

2. S. Rajendran and

3. V. P. Kammedkutty

Applicants

Vs.

1. Union of India represented by the  
General Manager, Southern Railway,  
Madras,

2. Divisional Personnel Officer,  
Southern Railway, Trivandrum

3. Bridge Inspector, Southern Railway,  
Quilon and

4. Assistant Bridge Inspector,  
Southern Railway, Ernakulam

Respondents

M/s. K. Ramakumar &  
V. R. Ramachandran Nair

Counsel for the  
applicants.

Smt. Sumathi Dandapani

Counsel for the  
respondents

JUDGMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

The applicants in this case are Khalasis working at  
Ernakulam in the Trivandrum Division of Southern Railway.  
According to the petitioners, all of them have obtained  
temporary status about eight years back and they are to be

absorbed in the regular posts in terms of the de-casualisation scheme evolved by the Railway.

2. It is stated by the applicants that a circular Annexure-A was issued by the Railway Board pointing out 25% of the vacancies earmarked for serving employees in semi-skilled and unskilled should be filled up from among Khalasis. Thereafter, Annexure-B letter was issued by the Divisional Officer, Personnel Branch, Trivandrum pursuant to decasualisation, inviting applications for filling up of the posts of Khalasis, newly created for decasualisation from persons who volunteered in the prescribed form. The applicants apprehend that if the 45 newly created posts were also filled in pursuance of Annexure-B, the rights of the applicants for appointment in the post of Khalasis in the scale of Rs. 750-940 will not be considered even though they are fully eligible. Hence, the applicants are challenging Annexure-B letter. They are also seeking for a direction to the respondents to consider them ~~xxxxxxxxxx~~ also for absorption as Khalasis in the pay scale of Rs. 750-940 in terms of Annexure-B letter. ~~and they are fully eligible.~~

3. When the matter came up for consideration, both sides agreed that an identical question was decided by the Tribunal in O.A. 210/89 and the decision in that case need only be followed in this case also. It was held in O.A. 210/89 (to which one of us Hon'ble Shri N. Dharmadan was a party) after considering the identical

question raised in this case as follows:

"To select Gangmen in the higher scale for the post of Khalasis in the lower scale is itself anomalous. It becomes doubly so when such 'demotion by selection' is made against posts which are meant for decasualisation of casual employees who have been working in the same type of work as Khalasis or Bridge Khalasis. The respondents' argument that Khalasis senior to the applicants before us who had opted to be regularised as Gangmen would feel aggrieved if the applicants are considered for appointment as regular Khalasis, does not carry conviction. The senior Khalasis who have already been absorbed as Gangmen in the higher scale cannot and should not feel aggrieved if their juniors are absorbed as Khalasis in the lower scale.

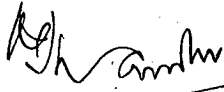
X	X	X	X	X	X
X	X	X	X	X	X

It looks strange that under the decasualisation scheme additional posts are created in the cadre of Khalasis and the Casual Khalasis for whom they were meant are disqualified even from being considered for absorption as regular Khalasi. The anomaly is compounded further by the fact that having disqualified the casual Khalasis, the respondents are seeking volunteers from the higher grade of Gangmen to opt for being absorbed as regular Khalasis in the lower scale. It also looks anomalous that the applicants should first be absorbed as Gangmen in the higher scale and then only considered for appointment in the lower scale of Khalasis. The entire scheme appears to be conceived and implemented in an unusual manner."

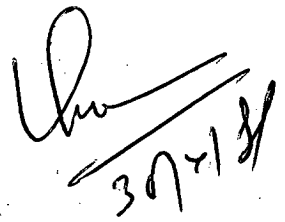
4. In the light of the aforesaid judgment, we dispose of the application with a direction that the respondents should consider the applicants also for absorption in the post of Khalasis in the pay scale of Rs. 750-940 pursuant to Annexure-B

order. However, we make it clear that the respondents will be at liberty to consider regular Gangmen for the aforesaid posts of Khalasis only after exhausting the list of eligible casual labourers, including the applicants waiting to be decasualised.

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

  
(N. Dharmadan)  
Judicial Member

30/4/89

  
(N. V. Krishnan)  
Administrative Member

knn

R.A. No. 33/90.....

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

Placed below is a Review Petition filed by UOI rep. by General Manager, S.My. (Applicant/  
Respondent in QA/TA No. 296/89) seeking a review of  
the order dated 30-10-89 passed by this Tribunal in the  
above noted case.

As per Rule 17(ii) and (iii), a review petition shall  
ordinarily be heard by the same Bench which passed the order,  
and unless ordered otherwise by the Bench concerned, a review  
petition shall be disposed <sup>of</sup> by circulation where the Bench  
may either dismiss the petition or direct notice to be issued to  
the opposite party.

The Review petition is therefore, submitted for orders  
of the Bench consisting of. Hon. Shri N. V. Krishnan, Member (F)  
and Hon. Shri N. Dhermadan, Member (F-1),  
which pronounced the order sought to be reviewed.

1/6/90

7/3/90

PO to Hon. Shri N. Dhermadan  
Member (F-1) Post in before the bench  
be closed in the light of the latest decision  
pending before Hon. Shri N. V. Krishnan, Member (F) who  
is 7/3/90

13/ R/K

May be on 14/3/90  
7/3/90

note issued on 23.9.90.

BOP  
I-12



~~6/3/90~~  
Hon'ble A.M.  
(60/1)

9 am  
7/3

NV IL & WD14.3.90

(5)

Smt. Srimathi Dandapani for applicant.  
 Mr. V. R. Ramachandran for respondent.

The learned counsel appearing for the review applicant submits that in the light of the judgment of this Tribunal in O.A. 186/89 and connected cases, there is nothing survives for consideration in this Review Application. We record the submission and dismiss the R.A.

By U

14.3.90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

ORDER SHEET

Contempt Petition (Civil) No. 48/97

ORIGINAL APPLICATION No. 296 of 1989

Applicant (s)  
C THOMAS

Respondent (s) K RAJENDRAN, SENIOR DIVISIONAL PERSONNEL OFFICER, SOUTHERN RLY. TRIVANDRUM

Advocate for  
Applicant (s) VR RAMACHANDRAN NAIR

Advocate for  
Respondent (s)

Notes of the Registry

Orders of the Tribunal

Date of Presentation : 9.6.97

4-7-97  
(26)

AVH&PVV

Date of Registration :

Subject :

Mr VRR Nair(rep)  
Mrs Sumathi Dandapani(rep)

Date of Posting :

At the request of the counsel for  
applicant, adjourned to 10.7.97.

NOTE OF REGISTRY

The counsel for applicant in OA 296/89, has filed a CPC on the order dated 30.10.89 and the Petition was returned by noting the defect that :

"the Contempt Petition is barred by limitation under Section 20 of the Contempt of Court Act.

The counsel re-submitted the CPC with the following remarks :

"As the vacancy arose now, there is no limitation in filing the contempt."

Hence the petition is submitted for kind orders of the Hon'ble Bench as an un-numbered case.

By Order

*Ally*

C.O.L  
4-7-97

trs

*R*  
2/7

*DR*

*M*  
2/7/97  
*M*  
2/7/97

Notes of the Registry

Orders of the Tribunal



CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

C.P.(C) No. 48 /97 in

O.A. No. 296/89.

Thursday this the 10th day of July 1997.

CORAM:

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

C. Thomas, Khalasi,  
Bridge Inspector's Office,  
Southern Railway, Ernakulam  
residing at: Pavanathara House,  
Kumarakom South, Kottayam.

.. Petitioner

(By Advocate Shri VR Ramachandran Nair)

Vs.

K. Rajandran,  
Senior Divisional Personnel Officer,  
Southern Railway, Trivandrum.

.. Respondent

(By Advocate Smt. Sumathi Dandapani)

The petition having been heard on 10th day of July 1997,  
the Tribunal on the same day delivered the following:

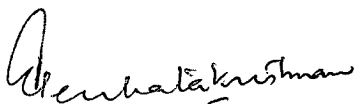
ORDER


HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

This Contempt Petition (Civil) is barred by limitation.  
The judgement was rendered in 1989 and Contempt also as per  
the allegations have been committed immediately thereafter..  
The Contempt Petition (Civil) cannot be entertained in view  
of Section 20 of the Contempt of Courts Act.

2. Contempt Petition (Civil) is rejected. No costs.

Dated this the 10th July 1997.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**ORDER SHEET**

Contempt Petition(Civil) No. **48/97**  
ORIGINAL APPLICATION No. **296** of 19**89**

Applicant (s)  
**C THOMAS**

Advocate for  
Applicant (s) **VR RAMACHANDRAN NAIR**

Respondent (s) **K RAJENDRAN, SENIOR DIVISIONAL PERSONNEL OFFICER, SOUTHERN RLY. TRIVANDRUM**

Advocate for  
Respondent (s)

**Notes of the Registry**

Date of Presentation : **9-6-97**

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Subject :

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Hence the petition is submitted for kind orders of the Hon'ble Bench as an un-numbered case.

**Orders of the Tribunal**

**4-7-97  
(26)**

**AVH&PVV**

**Mr VRR Nair(rep)  
Mrs Sumathi Dandapani(rep)**

At the request of the counsel for applicant, adjourned to 10.7.97.

By Order

**C.O  
4-7-97**

trs

**10.7.97**

**Mr. VR Ramachandran Nair  
Mrs. Sumathi Dandapani**

Heard. Orders pronounced in open court.

**PVV/AM**

**10.7.97**

**AVH/VC**

**rv**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

C.P.C.No. 418 of 1997

in

O.A.No.296 of 1989

C.Thomas

:

Petitioner

-Vs-

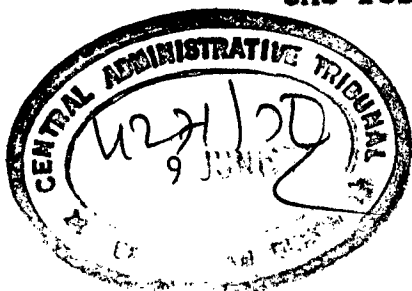
K.Rajandran


:

Respondent

I N D E X

Sl.No.	Contents	Page Nos.
1.	Affidavit	1 to 2
2.	Contempt Petition	3 to 6
3.	<u>Annexure A-1:</u> True copy of the judgment of the Hon'ble Central Administrative Tribunal, Ernakulam Bench in O.A.No.296/89 dated 30.10.1989.	7 to 9
4.	<u>Annexure A-2:</u> True copy of the judgment of the Hon'ble Central Administrative Tribunal, Ernakulam Bench in O.A.No.586/89 dated 11.12.1989.	10 to 11
5.	<u>Annexure A-3:</u> True copy of the judgment of the Hon'ble Central Administrative Tribunal, Ernakulam Bench in O.A.No.1760/94 dated 22.12.1994.	12 to 13
6.	<u>Annexure A-4:</u> True copy of the office order No.O.O.No.24/97/WP and No.V/P.564/I/Emp/TVC/Vol.V dated 25.3.1997 issued by the respondent ordering to relieve the applicant as Gangman.	14
7.	<u>Annexure A-5:</u> True copy of the judgment of the Hon'ble Central Administrative Tribunal, Ernakulam Bench in O.A.No.512/97 dated 10.4.1997.	15 to 16
8.	<u>Annexure A-6:</u> True copy of the Lawyers notice dated 30.4.1997 to the respondent.	17 to 18



  
 Contd...2/-  
 Advocate  
 V.R.Ramachandran Nair

9. Annexure A-7: True copy of the acknowledged receipt of ~~the~~ notice dated 14.5.1997. 19
10. Annexure A-8: True copy of interim ~~the~~ order of the Hon'ble Central Administrative Tribunal, Ernakulam Bench in O.A.No.296/89 dated 2.6.1989. 20
11. Memo of draft charges 21

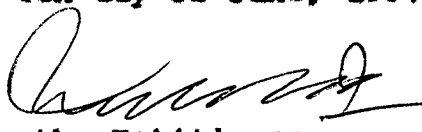
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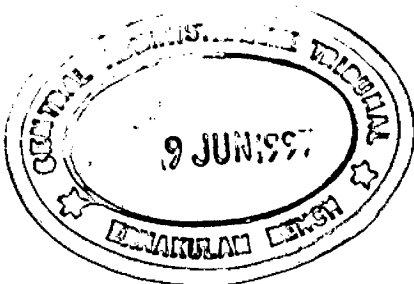
For use in Tribunal Office:

Date of filing :  
Registration No. :

SIGNATURE  
FOR DEPUTY REGISTRAR

Dated this the 4th day of June, 1997.

  
Counsel for the Petitioner,  
V.R. Ramachandran Nair.



BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

C.P.C.No. of 1997

in

O.A.No.296 of 1989

C.Thomas

Petitioner

-Vs-

K.Rajandran

Respondent

A F F I D A V I T

I, C.Thomas, S/o. P.V.Francis, Aged 46 years,  
Khalasi, Bridge Inspector's Office, Southern Railway,  
Ernakulam, Residing at Pavanathara House, Kumarakom South,  
Kottayam do hereby solemnly affirm and state as follows:

1. I am the 1st applicant in Original Application  
No.296/89. The above original application has been filed  
seeking a direction to the respondent to absorb the  
applicant against one of the decasualised vacancies of  
Bridge Khalasis under the Bridge Inspector's Section. This  
Hon'ble Tribunal by its judgment dated 30.10.1989 was  
pleased to direct that the respondent should consider the  
applicants for absorption in the post of Khalasis in the  
pay scale of Rs.750-940. Accordingly the applicant continued  
as Casual Khalasi for being absorbed against the decasualised  
vacancy of Bridge Khalasi. Now it has been understood that



Contd...2/-

Advocate

V.R.Ramachandran Nair



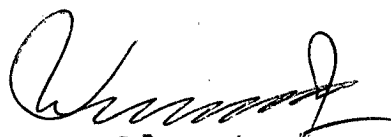
there are 10 posts of Khalasis in the Bridge Inspector's Section, as out of the 45 posts sanctioned on decasualisation, only 35 Khalasis are officiating. The applicant is the only Casual Bridge Khalasi in the Trivandrum Division in the scale of Rs.750-940 and waiting for regularisation. The applicant in the circumstances sent a lawyers notice reminding the respondent to implement the judgment by absorbing the applicant against one of the vacant post to which there is no response. Therefore this Hon'ble Tribunal may be pleased to initiate contempt proceedings against the respondent under the Contempt of Courts Act for wilfully disobeying the order of this Hon'ble Tribunal.

Contents of para No.1 is within my personal knowledge and based on information received by me which I believe the same to be true.

Deponent

Dated this the 4th day of June, 1997.

Solemnly affirmed and signed before me by the deponent on this the 4th day of June, 1997 at Ernakulam.



Advocate

V.R.Ramachandran Nair

