

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF DECISION: 26.4.1990

P R E S E N T

HON'BLE MR.S.P.MUKERJI - VICE CHAIRMAN

AND

HON'BLE MR.AV. HARIDASAN - JUDICIAL MEMBER

ORIGINAL APPLICATION NO.299/89

Maheshkumar.T.V. - Applicant

Versus

1. Union of India rep.
by General Manager,
Southern Railway,
Madras.
2. The Divisional Railway
Manager, Southern Railway,
Palghat.
3. The Divisional Railway
Manager, Southern Railway,
Trivandrum.
4. The Divisional Personnel
Officer, Southern
Railway, Trivandrum. - Respondents

M/s K Ramakumar &
VR Ramachandran Nair - Counsel for applicant

Smt.Sumathi Dandapani - Counsel for respondents.

O R D E R

(Mr.A.V.Haridasan, Judicial Member)

In this application filed under Section 19 of
the Administrative Tribunals Act, the applicant has prayed
that the applicant may be declared eligible for re-
employment in Railways in view of the Railway Board's
letters dated 2.3.1987 (Annexure-C) and 4.3.1987 (Anne-
xure-D) and to direct the respondents to re-engage him.

...2/-

The short facts of the case averred in the application are as follows.

2. The applicant was engaged as a Casual Mazdoor from 21.12.1977 to 20.1.1979 in the Palghat Division in connection with the bridge work of Amaravathy bridge. On completion of the project he was retrenched. He was reengaged from 1.5.1979 to 3.5.1979 in Trivandrum division. In 1984 the applicant made an application to the Divisional Personnel Officer, Trivandrum for registration of his name in the live register of Casual Mazdoors. But he did not get any response. While so, he saw a circular of the Railway Board providing for re-engagement of Casual Mazdoors retrenched after 1.1.1981. Though the applicant's case was not covered by that, he made a representation to the General Manager(P), Southern Railway, Madras on 7.1.1987. Thereafter the Railway Board has issued Annexure-C and Annexure-D orders extending the benefit of re-engagement of Casual Mazdoors who were retrenched even ^{before} ~~after~~ 1.1.1981. The applicant submitted an application with all details to the Divisional Railway Manager, Southern Railway, Trivandrum on 25.3.1987. Though the applicant has come to know that several persons who had less length of service than his have been re-engaged, he ^{has} ~~was~~ not yet been re-engaged. Therefore, the applicant has filed this application for a declaration that, he is entitled to be re-engaged and also for a direction to the respondents to re-engage him.

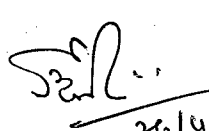
3. In the reply statement, it has been contended that as the applicant had been initially engaged in Karur in Palghat division, he should have submitted his application in that division, though the receipt of his application by the Divisional Railway Manager, Trivandrum has not been admitted. We have heard the arguments of the learned counsel on either side and have also gone through the documents available.

4. That the applicant had worked as Casual Mazdoor in Palghat division from 21.12.1977 to 20.1.1979, and that he had worked from 1.5.1979 to 3.5.1979 in Trivandrum are not in dispute. Since in terms of the Railway Board letter dated 2.3.1987 and the proceedings of the Ministry of Railways, Govt. of India dated 4.3.1987 (Annexure-C&D), the project Casual Labourers discharged before 1.1.1981 for want of work or due to completion of work are also entitled to claim re-engagement, we are convinced that the applicant has also got legitimate claim for re-engagement in accordance with the length of his service. But since the respondents have contended that the applicant should have applied to the division where he was initially engaged and as admittedly the applicant has submitted his application only to the Divisional Railway Manager, Trivandrum, while he was initially engaged in the Palghat division, we are of the view that the interest of justice would be met if the second respondent, the Divisional Railway Manager, S.Rly., Palghat is directed to consider the claim of the applicant

made in this application for inclusion of his name in the live register of Casual Mazdoors and to provide him re-engagement in his turn.

5. In the result, we allow the application in part and direct the second respondent to consider the claim of the applicant for re-engagement on the basis of the claim made in this application and provide him work as Casual Mazdoor in his turn. The second respondent is also directed to inform the applicant ^{about} his position in the live register(list) of Casual Mazdoors within a period of three months from the date of communication of this order. There is no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

26/4/90
26.4.1990.