

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.309/04

Tuesday this the 27th day of April 2004

C O R A M :

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

T.N.Prakasan
Gate Keeper (Senior Grade),
Panampilly Gate,
Ernakulam Junction.

Applicant

(By Advocate Mr.P.Vijayakumar)

Versus

1. The Divisional Railway Manager,
Southern Railway, Thiruvananthapuram.

2. The Senior Divisional Engineer,
Southern Railway, Thiruvananthapuram.

3. Assistant Engineer,
Engineering Department,
Southern Railway, Ernakulam South.

4. The Section Engineer,
Engineering Department,
Southern Railway, Ernakulam South.

Respondents

(By Advocate Mr.P.Haridas)

This application having been heard on 27th April 2004 the Tribunal on the same day delivered the following :

O R D E R

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

The applicant who was Gate Keeper (Senior Grade), Panampilly Gate, Ernakulam Junction was forced to hand over charge to another person. Apprehending that he would be posted at Class C Gate which would involve 72 hours work a week the applicant submitted a representation to the 1st respondent requesting that he be retained at Panampilly Gate or posted to any Class B Gate. This representation has not been considered and disposed of. Therefore the applicant has filed this application seeking the following reliefs :

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- i. declare that the applicant is entitled to be posted at a Class B Gate or against a corresponding or appropriate post with 8 hours roster a day/48 hours a week ;
- ii. declare that the applicant is not liable to be posted against a Class C Gate involving 72 hours work a week, thereby adversely affecting his service condition ;
- iii. direct the respondents to restore the applicant the post of Gate Keeper at Panampilly Gate or in the alternative, give him a posting as a Class B Gate Keeper in surroundings of Ernakulam or to give a suitable posting against an 8 hour roster post in Ernakulam under the respondents ;
- iv. alternatively direct the 1st respondent to consider Annexure A-4 representation and pass appropriate orders thereon forthwith, in the meanwhile permitting the applicant to remain under an eligible category of leave pending consideration of the said representation.

2. When the application came up for hearing Shri.P.Haridas, standing counsel for the Southern Railway took notice. Counsel on either side agree that the application may be disposed of directing the 1st respondent to consider the Annexure A-4 representation of the applicant within a short time.

3. In the light of the above submissions made by the learned counsel on either side the application is disposed of directing the 1st respondent to consider the Annexure A-4 representation of the applicant and to give him an appropriate reply within a period of two weeks from the date of receipt of a copy of this order. No order as to costs.

(Dated the 27th day of April 2004)



A.V.HARIDASAN
VICE CHAIRMAN