

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATE OF DECISION: 26-10-89

PRESENT

Hon'ble Shri S.P. Mukerji, Vice Chairman
&
Hon'ble Shri N.Dharmadan, Judicial Member

Original Application No.321/89

1. N. Lakshmanan.
2. K.Velayudhan
3. A. Joseph.
4. M.A.Abeobacker.
5. K.P. Anirudhan.
6. A. Venu.
7. L.Subramanian.
8. M.Balasubramanian. .. Applicants

Versus

1. Union of India represented by
the General Manager,
Southern Railway,
Madras.
2. The Divisional Personnel Officer,
Southern Railway,
Trivandrum.
3. The Assistant Engineer,
Southern Railway,
Trichur.
4. Inspector of Works,
Southern Railway,
Ernakulam South. .. Respondents.

Counsel for the applicants .. Mr. K.Ramakumar &
VR Ramachandran Nair.

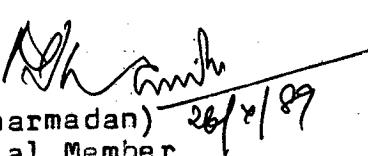
Counsel for the respondents .. Smt. Sumati Dandapani

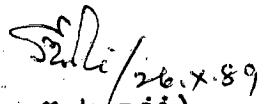
O R D E R
(Shri S.P.Mukerji, Vice Chairman)

In this application filed under Section 19
of the Administrative Tribunals Act, the eight applicants
who have been working as Casual Khalasis in the Trivandrum
Division of the Southern Railway under the Inspector of
Works, Ernakulam, have prayed that the impugned order
dated 21.4.1989 posting them as regular Gangmen should
be set aside and that they should be regularised as
Khalasis in the scale of Rs. 750-940 under the decasuali-
sation scheme.

2. We have heard the learned counsel for both the parties and have gone through the documents. In a number of similar other cases this Tribunal has been taking the view that if the Casual Khalasis in the scale of Rs. 750-940 ^{do} ~~were~~ not wish to be absorbed in the regular cadre of Gangmen in the scale of Rs. 775-1025 but would rather wait for their turn to be promoted in the Skilled category against the 25% quota, they should not be forced to be absorbed as Gangmen. In conformity with the stand taken by us and considering that the respondents themselves have no objection to the applicants being retained as Casual Khalasis, we dispose of this application with the direction that the impugned order should not be implemented in so far as the applicants are concerned. The applicants however, will be retained as Khalasis subject to their being retrenched in accordance with law. The learned counsel for the applicants did not want to press for the second relief about regularisation because of the order of the Tribunal in O.A. 210/89.

3. The application is disposed of as above. In the circumstances there will be no order as to costs.


(N. Dharmadan)
Judicial Member


S.P. Mukerji
Vice Chairman

26.10.1989

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