

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No. 324 of 1996

Friday this the 19th day of April, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

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

T.A.Rajagopal,  
Ex-Temporary Status Khalasi,  
Southern Railway,  
residing at Ambalaya,  
Kalluvilakathu Veedu,  
Watcher Mukku,  
Janardhanapuram,  
Varkala Post.

.... Applicant

(By Advocate Mr. T.C.Govindaswamy)

Vs.

1. The General Manager, Southern Railway,  
Park Town Post, Madras.3.
2. The Senior Divisional Engineer,  
Southern Railway, Divisional Office,  
Trivandrum.14.
3. The Assistant Engineer,  
Office of the Assistant Engineer,  
Southern Railway, Quilon.
4. The Chief Personnel Officer,  
Southern Railway, Headquarters Office,  
Park TownPO, Madras.3.
5. Union of India through the  
General Manager, Southern Railway,  
Headquarters Office, Park Town PO,  
Madras.3.

..... Respondents

(By Advocate Mr. James Kurien, Standing counsel for Railways)

The application having been heard on 19.4.1996, the  
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant who was a casual labourer (temporary  
status) under the Railways (whose father was a retired  
Chief Clerk) complains that the order removing him from  
service for unauthorised absence cannot be sustained.

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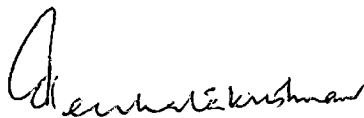
He admits that he was absent but the absence was duly intimated to the authorities. However, there is no record of this.

2. The main plank of attack is that the procedure laid down under the Railway Servants (Discipline and Appeal) Rules was not followed in removing the applicant from service. We do not think that the Rules will govern the case of a casual employee because the preamble of the Rules itself excludes application of the Rules to casual employees. That apart, on the admitted facts this is not a case for invoking our discretionary jurisdiction and ordering reinstatement of a casual worker after seven years absence.

3. We dismiss the application. But this will not stand in the way of the Railways from extending any concession to him or in considering him for reemployment, if they on their own, feel that it can be done. This observation does not amount to a direction.

4. There will be no order as to costs.

Dated the 19th April, 1996.

  
P.V.VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN