

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.327/2003

Thursday, this the 17th day of April, 2003.

C O R A M

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. Shri E.Silus,
Chencheri Puthenveedu,
Palkunnu,
Perumpazhuthoor P.O
Neyyattinkara
Residing at :
Kovinchanvila Veedu,
Maruthoor,
Near Neyyattinkara Railway Station,
Neyyattinkara P.O.,
Neyyattinkara Village,
Neyyattinkara Taluk.
2. N.Vimachanan,
Residing at :
Varukil Puthenveedu,
Near Neyyattinkara Railway Station,
Neyyattinkara P.O.,
Neyyattinkara Village,
Neyyattinkara Taluk.
3. M.Gopinathan Nair,
Saumya Bhawan,
Vadavode,
Perumpazhuthoor, P.O.
Neyyattinkara Village,
Neyyattinkara Taluk : Applicants

[By Advocate Mr.Vadakara V.V.N.Menon]

Vs.

1. The Union of India represented by the
General Manager,
Southern Railway,
Chennai
2. The Divisional Railway Manager,
Southern Railway,
Thiruvananthapuram - 14.
3. The Senior Divisional Personnel Officer,
Southern Railway,
Thiruvananthapuram - 14. ; Respondents

[By Advocate Mr.P.Haridas]

The application having been heard on 17.04.2003, the
Tribunal on the same day delivered the following :

O R D E R

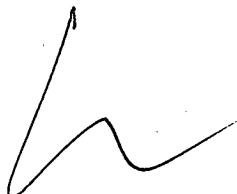
HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER

There are three applicants in this Original Application who claim to have joined the service as casual labourers under the respondents and subsequently the 1st and 2nd applicant were retrenched after completion of the work. The 3rd applicant was also retrenched without assigning any reason. All the applicants have submitted their applications for registration and further, representations were also submitted to the respondents. Applicants also had personal meetings with the respondents and they submitted their grievances before them. Vide Annexure A-10 letter the respondents have published a list of retrenched casual labourers whose names were shown at serial No.1878 to 2190 in the Merged Seniority List prepared in compliance with the orders of the Tribunal for filling up the vacancies of Trackman etc.

2. The applicants submitted that they should have been considered in the list meant for Trivandrum Division. Applicants grievance is that in the list referred to above, they could find that much junior members have been included in the list. Aggrieved by the action on the part of the respondents the applicants have filed this Original Application seeking the following reliefs :-

- (a) direct the respondents to include the name of the applicants at the appropriate deserving places in the Merged Seniority List prepared by the 3rd respondent in compliance of the orders of this Hon'ble Bench of the Tribunal in O.A.No.1706/1994, referred to in Annexure A-10 and further to grant the applicants all consequential service benefits thereof;

..3/-



(b) pass such other orders or directions as this Hon'ble Tribunal deem just and fit to grant in the facts and circumstances of the case.

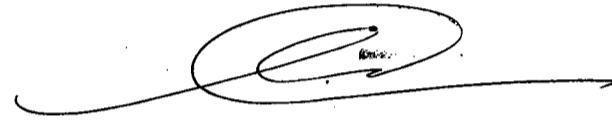
3. When the matter came up for hearing, Shri V.N.N.Menon, learned counsel appeared for the applicants and Shri P.Haridas, learned counsel (represented by Mr.Renjit) appeared for the respondents. Learned counsel for the applicants submitted that all the applicants have submitted application for registration and separate representations for consideration. He also submitted that in Annexure A-1, the casual labour service card of applicant No. 1, there is an endorsement 'card not submitted' which is not correct. At this point, the learned counsel for the applicants submitted that he will be satisfied if a direction is issued to the respondents to consider the representations of the applicants or to make a comprehensive representation with all relevant documents to the 3rd respondent and if filed, the same shall be disposed of within a time frame. Learned counsel for respondents submitted that he has no objection in adopting such a course of action.

4. Considering the submissions made by the learned counsel, this Court is of the view that issuing such a direction will meet the ends of justice. Therefore, this Court directs the applicants to make a comprehensive representation with all relevant information within one month from today to the third respondent and if such a representation is received, he shall dispose of the same by a speaking order. After due consideration of the claims of the applicants, if they are eligible to be included in the Merger Seniority List an appropriate order be passed in accordance with the rules in vogue as expeditiously as

possible, but in any case, within three months from the date of receipt of a copy of this order. Counsel for the applicants submitted that he would like to forward a copy of the Original Application. He will be at liberty to do so.

With the above observation, this Original Application is disposed of with no order as to costs.

Dated, the 17th April, 2003.


K.V.SACHIDANANDAN
JUDICIAL MEMBER

vs