

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.340/99.

Friday this the 22nd day of June 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

P.C.Antony, Gangman,
Under Section Engineer,
Permanent Way, Southern Railway,
Ernakulam.

Applicant

(By Advocate Shri T.C.Govindaswamy)

Vs.

1. Union of India represented by the
Secretary to the Government of India,
Ministry of Railways,
Rail Bhavan, New Delhi.
2. The General Manager,
Southern Railway,
Headquarters Office,
Park Town P.O., Madras-3.
3. The Divisional Engineer,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
4. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
5. The Senior Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
6. The Chief Engineer,
Southern Railway,
Headquarters Office,
Park Town P.O.,
Madras-3.
7. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town P.O., Madras-3.

Respondents

(By Advocate Shri Mathews J. Nedumpara)

The application having been heard on 22nd June, 2001
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 commenced service as Carpenter Casual Labourer on 11.4.80 was absorbed as a Gangman. However, he preferred to continue as a Skilled Casual Labourer and claimed absorption directly on a group 'C' post. This application has been filed challenging the order dated 25.6.97 (A6) by which the applicant's services as casual labourer (Skilled) have been terminated, the order dated 30.7.98 (A9) by which the recruitment action has been taken for promotion of lower grade official to Group 'C' post, the order dated 30.11.98 (A-11) by which the applicant's claim for absorption as Group 'C' post was rejected and the order dated 13.11.1992 (A-20) by which the decasualisation of Casual Labour in Civil Engineering Department, Trivandrum was transferred to Palghat Division.


2. The case of the applicant is that, although there has been sufficient vacancies falling to the quota for absorption of casual labourers on Skilled grade on group 'C' post, the respondents have unjustifiably denied such absorption to the applicant and compelled him to accept absorption as a Gangman. With these allegations the applicant has filed this application seeking to have the impugned orders set aside and for a declaration that the applicant is entitled to be considered for absorption against the vacancies of Carpenter Highly Skilled Grade-III referable to A-9.

3. The respondents have filed a detailed reply statement in which they have indicated that in Trivandrum Division there



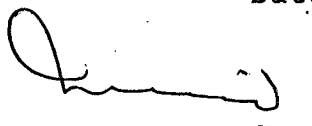
has been over in take of Skilled casual labourers, that the applicant is not entitled to challenge A-20 order at this distance of time and that there is no legitimate grievance of the applicant stood for redressal.

4. We have gone through the detailed pleadings placed on record. An exactly identical case in O.A.1478/98 filed by similarly situated applicants, in which it was held that in Trivandrum Division, there has been over in take of Casual Artisans in skilled grade to be absorbed on regular post and that there is no vacancy left on which the applicants in those cases could be accommodated. The above ruling was followed in O.A.999/97 also. Therefore, the respondents cannot be faulted for not absorbing the applicant on a group 'C' post in skilled grade as there was no vacancy falling to the quota. The challenge of the applicant against A-20 also has to be rejected since A-20 order is dated 13.11.92 and that the applicant should have challenged it within the time. We are told that the applicant has already been regularised and absorbed on a post of Gangman and he has already joined the post. Since the applicant has not been able to make out that there has been vacancy which arose in his turn for absorption against the skilled post and as it was held in cases referred to that, in Trivandrum division there has been over in take of Skilled casual labourers on regular basis on Group 'C' post, we do not find any merit in the claim of the applicant in this case.



5. In the result, in the light of what is stated above, the application fails and the same is dismissed leaving the parties to bear their own costs.

Dated the 22nd June 2001.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the order:

- A-6: True copy of the letter No.V/W 407/ELR dated 26.6.97 issued by the third respondent.
- A-9: True copy of the letter No.V/P.671/I/Vol.4(Pilot) dated 30.7.98 issued by the fifth respondent.
- A-11: True copy of the letter No.P(S)443/I/OA 870/97/ERS dated 30.11.98 issued by the sixth respondent.
- A-20: True copy of letter No.P/L135/Decasualisation/CLs dated 13.11.92 issued by the seventh respondent.