

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATE OF DECISION

14th MARCH 1990

PRESENT

HON'BLE SHRI S.P. MUKERJI-VICE CHAIRMAN
&
HON'BLE SHRI N. DHARMAQAN-JUDICIAL MEMBER

ORIGINAL APPLICATION NO.341/89

1. M.J. George Bernad.
2. T.Jayachandran .. Applicants

Vs.

1. Union of India represented
by the General Manager,
Southern Railway
Madras.
2. The Divisional Personnel
Officer, Southern Railway,
Trivandrum.
3. The Chief Engineer,
Construction, Southern
Railway, Madras.
4. The Executive Engineer,
Construction, Southern
Railway, Ernakulam. .. Respondents

Counsel for the applicants .. M/s K.Ramakumar &
VR Ramachandran Nair

Counsel for the respondents.. Smt.Sumati Dandapani

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

In this application dated 10th June, 1989 filed
under Section 19 of the Administrative Tribunals Act, the
two applicants who have been working as Store Mates under
the Southern Railway at Ernakulam have prayed that they
should be allowed to continue in their present assignment
and should not be posted as Gangman. The learned counsel
for the respondents does not want to file any counter
affidavit in this case.

2. We have heard the learned counsel for both the

parties and have gone through the documents carefully. This case is similar to a number of other cases in which casual workers have declined to be regularised as Gangman and have preferred to remain as casual workers waiting for absorption in their own line of Skilled/Semiskilled category. In this case also the applicants have been working in the Semiskilled category as Store Mates in the scale of Rs. 800-1150 in casual capacity. They have been proposed to be posted in a regular capacity as Gangman in the lower scale of Rs. 775-1025. The empanelment for regular appointment of Gangman was ^{done} drawn in order to absorb them in the regular cadre. Since the applicants themselves are not keen to be regularised as Gangman, the respondents have no objection ^{assignment} to retain them in their existing ^{post} in a casual capacity provided they give their unwillingness to be regularised as Gangman in writing. In that case, it is understood that the applicants will have to face retrenchment ^{such an} in accordance with law in case ^{the} occasion arises before their absorption materialises.

3. In the facts and circumstances and in consonance with our earlier decisions notably in O.A. 69/89, we allow this application to the extent of directing the respondents that the applicants should be allowed to remain as Store Mate in a casual capacity and this application of theirs should be taken as expression of their unwillingness in writing to be posted as Gangman. The applicants,

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however, have to face the risk of retrenchment in accordance with law unless they are absorbed in their own line. There will be no order as to costs.

N. Dharmadan

14.3.90

(N.DHARMADAN)
JUDICIAL MEMBER

S.P. Mukerji

14.3.90

(S.P. MUKERJI)
VICE CHAIRMAN

14-3-90

Ksn.