

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.349/2004.

Wednesday this the 9th day of June 2004.

CORAM:

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

R.Jayakumar,  
Ex-Casual Labourer, Southern Railway,  
Trivandrum Division, residing at:  
Bharanethu Veedu, G.V.Nagar,  
House No.: 148, Ayathil P.O., Kollam-17.

(By Advocate Shri.TC Govindaswamy)

Vs.

1. Union of India, represented by  
The General Manager,  
Southern Railway, Headquarters Office,  
Park Town P.O., Chennai-3.
2. The Divisional Railway Manager,  
Southern Railway, Trivandrum Division,  
Trivandrum-14. Respondents

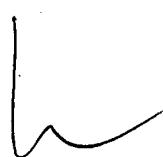
(By Advocate Shri P.Haridas)

The application having been heard on 9.6.2004,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicant was initially engaged as a Casual Labourer for the period from 5.3.1983 to 20.5.1983 and thereafter engaged as Voluntarily Ticket Collector from 9.6.1983 to 24.6.1983 and from 2.8.1983 to 5.9.1983. He was re-engaged as a seasonal Water Carrier during the period from 4.5.1984 to 15.6.1984 and from 22.4.1991 to 31.5.1991. He was retrenched on 31.5.1991 as casual labourer. He made a representation(A3) dated 25.7.03 to the 2nd respondent for consideration for re-engagement and absorption which has not been disposed of. In a letter(A2) dated 29.1.1996 issued by the Divisional Railway Manager, Southern Railway, Trivandrum, it was made clear that his name was already figured



in the Casual Labour Live Register of the Traffic Department of the Trivandrum Division at Sl.No.26. Thereafter he was not given any consideration for re-engagement or absorption. It is averred in the O.A. that the applicant came to know that several casual labourers were being given this consideration and absorbed. He submits that he is within the age group to be considered for absorption in Group 'D' posts. Aggrieved by the inaction on the part of the respondents he has filed this O.A. seeking the following main reliefs:

- a. Declare that the non-feasance on the part of the respondents to consider the applicant for absorption against a Group 'D' post in the Traffic/Engineering Department of Southern Railway, Trivandrum Division is arbitrary, discriminatory, contrary to law and unconstitutional.
- b. Direct the respondents to consider the applicant for absorption against a Group 'D' post in the Traffic/Engineering Department of Southern Railway, Trivandrum Division and direct further to grant all consequential benefits, arising therefrom.

2. When the came up before the Bench Shri T.C.Govindaswamy appeared for the applicant and Shri P.Haridas appeared for the respondents.

3. Learned counsel for applicant submitted that the applicant would be satisfied if a limited direction is given to the respondents to consider and dispose of the representation(A3) and pass appropriate orders within a time frame.

4. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.

5. This Court is of the view that if such a direction is given to the respondents it will meet the ends of justice.



6. Accordingly, this Court directs the 2nd respondent or any authority competent as directed by him to consider and dispose of the representation (A3) and pass appropriate orders and communicate the same to the applicant within a time frame of two months from the date of receipt of a copy of this order.

7. O.A. is disposed of as above. In the circumstance, no order as to costs.

Dated the 9th June, 2004.



K.V. SACHIDANANDAN  
JUDICIAL MEMBER

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