

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.350/2000

Wednesday this the 3rd day of July, 2002.

CORAM

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. M.Subramanian
Khalasi, Southern Railway
Office of the Section Engineer (Works)
Erode.
2. K.Arumugham
Senior Khalasi
Southern Railway
Office of the Section Engineer (Works)
Erode.Applicants

(By advocate Mr.T.C.Govinda Swamy)

Versus

1. Union of India rep. by
The General manager
Southern Railway
Headquarters Office
Madras.
2. The Senior Divisional Personnel Officer
Southern Railway
Palghat.
3. The Divisional Railway Manager
Southern Railway
Palghat.
4. The Chief Personnel Officer
Southern Railway
Madras.
5. Venugopalan P.
6. Subramanian N.
7. Muthuamby
8. Anwar Basha
(Senior Gangmen, Southern Railway, Karur).
9. Arun Kumar K.A.
Senior Gangman, Southern Railway, Angadipuram.
10. Subramanian C.P.
Senior Gangman, Southern Railway, Calicut.
11. Venkatachalam V.
Senior Gangman, Southern Railway
Salem (South).

12. Soundararajan K.
Senior Gangman, Southern Railway
Coimbatore (North)
13. Armugham K.
Senior Gangman, Southern Railway
Salem (North)
14. Munian C.
Senior Gangman, Southern Railway,
Tiruppur.
15. Kannarajan V.
Senior Gangman, Southern Railway, Erode.
16. Babu P.
Senior Gangman, Southern Railway, Quilandi.
17. Appusamy R.
Senior Gangman, Southern Railway, Poddanur.
18. Gopalan K.
Senior Gangman, Southern Railway, Erode.
19. Govindan S.
Senior Gangman, Southern Railway
Salem (South).
20. Liyakathali Khan
Senior Rest Giver, Gate Keeper
Southern Railway, Tiruchi Fort.
21. Krishnan S.
Senior Gangman, Southern Railway
Tiruppur.
22. Kenneth Thomas A.
Senior Gangman, Southern Railway,
Poddanur.
23. Murugan
Senior Khalasi
Poddanur. Respondents.

(By advocate Mrs. Sumathi Dandapani R1-4)

The application having been heard on 3rd July, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants, two in number, aggrieved by their non-inclusion in A-1 letter dated 16/17.11.99 in which a list of employees found suitable for the post of Bricklayer Khalasis in scale Rs.2550-3200 had been notified, have filed this Original Application seeking the following reliefs:



- (a) Call for the records leading to the issue of Annexure A1 and quash the same.
- (b) Declare that the procedure adopted by the respondents in preparing the list of suitable selected candidates, by placing those who are in the higher grades en-block above those who are in the lower grades, for transfer and appointment to the lowest grade of Artisan Khalasis in scale Rs.2550-3200 is arbitrary, discriminatory and unconstitutional.
- (c) Declare that the respondents are bound to prepare the list of suitable selected candidates, for transfer and appointment to the posts of artisan Khalasis (Brick Layer Khalasis) on the basis of the total length of service in the feeder category, the persons with longer length of service being placed above those with lesser length of service irrespective of the grade held by the candidate at the time of determination of suitability and direct the respondents accordingly.
- (d) Direct the respondents to prepare a fresh list of selected candidates on the basis of the declaration in paras 8(b) and (c) and above and direct the respondents to grant the applicants, the consequential benefits thereof.
- (e) Award costs of and incidental to this application.
- (f) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. Applicants have advanced a number of grounds in support of their case.

3. When the OA came up for hearing today, both counsel submitted that the impugned order in this OA has already been set aside by this Tribunal as also the notification leading to the preparation of the list of Khalasis in OA Nos.1352/99 by the common order dated 15.3.2002 in OA No.1309/1999 and two other OAs and that as the impugned order is no longer in existence, this OA has become infructuous.

A handwritten signature in black ink, appearing to be in cursive script, is placed here.

4. The above statements are recorded and the OA is dismissed as infructuous. No costs.

Dated 3rd July, 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER

aa.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER