

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.355 of 1994

Wednesday, this the 8th day of March, 1995.

CORAM

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

K Bharathi,
Ex Casual Labourer,
Valluvapallil Tharayil,
Pallikanakku P.O.,
Kayamkulam.

...Applicant

By Advocate Mr R Santhoshkumar.

Vs

1 Union of India through
the General Manager,
Southern Railway,
Madras-3

2 The Divisional Personnel Officer,
Southern Railway,
Trivandrum-14

...Respondents

By Advocate Mr Mathews J Nedumpara.

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who belongs to Scheduled Caste Community claims that she is an Open Line Casual Labour who was retrenched. She has produced A-7, Casual Labour Service Card issued by the department, showing the various periods for which, and various officers under whom she was engaged. According to A-7 she has been engaged from 3.10.75 onwards for various periods. A-7 also shows that she was retrenched on 1.10.81 afternoon. Therefore, she claims that she should be included in the list A-2 of post- 1.1.81 casual labour with all

consequential benefits.

2 Applicant has also prayed for regular absorption in any Group 'D' vacancy.

3 As regards the inclusion in the A-2 list the applicant may submit a representation to the second respondent and produce the original of A-7 and other documents available with her before him within one month.

If such a representation is submitted and the relevant records produced, the second respondent will pass appropriate orders with notice given to affected parties, if required by the rules within two months from the date of the production of records.

4 Respondents have stated in the reply statement that they have been acting in pursuance of decisions in OA 675/89 and 685/89. Learned counsel for applicant submitted that the Tribunal in OA 1561/92 stated:

"The directions in OA 675/89 and connected cases were issued without hearing affected/interested parties. These directions adversely affect rights of non parties and were issued without noticing that fact. We, therefore, hold that these directions are 'per incuriam'."

5 Respondents may take note of the decision of the Tribunal in OA 1561/92 and deal with the representation submitted by the applicant in accordance with the directions mentioned above. Learned counsel for

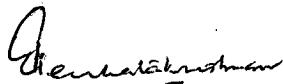
applicant also draws attention to the order of Tribunal in OA 279/94 and OA 980/92 which may also be taken note of by the second respondent while disposing of the representation.

6 Application is disposed of with the aforesaid directions. No costs.

Dated the 8th March, 1995.



P SURYAPRAKASAM
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

P/83

List of annexures

Annexure A.2: True copy of the letter No.V/P 407/I/ELR-Open Line Dt. 21.5.1990, issued by the Divisional Personnel Officer, Trivandrum-14. (2nd respondent)

Annexure A.7: True copy of the applicant's service cards issued by the Permanent Way Inspector, S.Rly. Mavelikara.