

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 371/2004

Thursday, this the 11th day of November, 2004.

CORAM;

HON'BLE MR A.V. HARIDASAN, VICE CHAIRMAN

1. R. Manickam,
Retrenched Casual Labourer,
Southern Railway,
Palghat Division,
Kudi Street, N: 61-A,
Marudur. P.O.
Kulithurai Taluk,
Karur District,
Tamil Nadu.
2. P. Subramanian,
Retrenched Casual Labourer,
Southern Railway,
Palghat Division,
Valayapalayam East Street,
Krishna Rayapuram Taluk,
Karur Dist, Tamil Nadu.
3. P. Ekambararam,
Retrenched Casual Labourer,
Southern Railway,
Palghat Division,
Pooyaputhur,
Krishna Rayapuram Taluk,
Karur Distt, Tamil Nadu.
4. K. Srinivasan,
Retrenched Casual Labourer,
Southern Railway, Palghat,
Pitchampatty,
Kavaklam. P.O.
Karur Dist. Tamil Nadu. - Applicants

By Advocate Mr TC Govindaswamy

vs

1. Union of India represented by
the General Manager,
Southern Railway,
Headquarters Office,
Park Town. P.O:
Chennai-3.

2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town.P.O.
Chennai-3.
3. The Divisional Railway Manager,
Southern Railway,
Palghat Division, Palghat.
4. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat. - Respondents

By Advocate Mr P.Haridas

The application having been heard on 11.11.2004, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicants four in number have filed this application seeking the following reliefs:

a) Declare that the action of the respondents in not considering the applicants for regular absorption as Trackmen against the vacancies that arose and existed during 1999, 2000, 2001, 2002 etc. on the ground that they have crossed age limit of 43 years (OBC) is totally, arbitrary, discriminatory and unconstitutional.

b) Declare that the respondents are bound to consider the applicants for regular absorption against the vacancies of Track Men/Gangmen without any age limit and direct the respondents to grant all consequential benefits thereof.

c) Direct the respondents to prepare yearwise empanelment list duly considering those who were eligible as on respective date.

2. The respondents contest the O.A. However, when the matter came up for hearing today, learned counsel of the applicants submitted that the application may be disposed of permitting the applicants to make a detailed representation to the first respondent regarding their re-engagement and directing the 1st respondent to consider it in the light of the rules and instructions on the subject and to give them an appropriate reply. This suggestion is acceptable to the counsel for respondents.

3. In the light of the above submissions, I dispose of this application permitting the applicants to make a detailed and consolidated representation to the first respondent within one month from the date of receipt of copy of this order and directing the first respondent that if such a representation is received, the same shall be considered and a speaking order given to applicants in the light of the rules and instructions on the subject within a period of three months from the date of receipt of such representation. There is no order as to costs.

Dated, the 11th November, 2004.



A.H. HARIDASAN
VICE CHAIRMAN

trs