

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 372/2010

Dated this the 2nd day of July, 2010

C O R A M

HON'BLE MR.JUSTICE K. THANKAPPAN, JUDICIAL MEMBER
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

B. Christudas, Ex-casual labourer
Southern Railway, Trivandrum Division
Kavikuzhi, Mele Puthenveedu
Ottasekaramangalam, Neyyattinkara
Thiruvananthapuram.

Applicant

By Advocate Mr. Martin G. Thottan

Vs.

1 Union of India represented by
the; General Manager, Southern Railway
Headquarters Office, Chennai-3

2 The Divisional Personnel Officer
Southern Railway
Trivandrum Division
Trivandrum.

Respondents

By Advocate Mr. Sunil Jacob Jose, SCGSC

The Application having been heard on 25.6.2010. the Tribunal
delivered the following:

O R D E R

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant, a retrenched casual labourer belonging to the
Trivandrum Division of Southern Railway, has filed this Application

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aggrieved by the refusal of the respondents to consider him for absorption in any Group-D post commensurate with his medical classification. When he was overlooked for re-engagement/absorption, he filed O.A. 391/2007 seeking absorption on par with persons having lesser number of days of casual service, which was allowed directing the respondents to consider him on par with his juniors. When the respondents took no action, he filed a Contempt Petition. Thereafter, he was interviewed, certificates verified and sent for medical examination. He was declared unfit in B-ONE medical classification. Having came to know that persons who were found unfit in B-ONE medical classification were considered for absorption in a Group-D post, he submitted representation which is pending (A-2). Relying on the orders of this Tribunal directing the respondents to consider similarly situated persons for absorption in Group-D post, he has filed this O.A seeking identical reliefs.

2 The respondents in their reply statement stated that the applicant had put in less than six years of casual service which is the required period for considering alternative employment. However, they admitted that certain retrenched casual labourers who had put in less than 6 years of service were considered for alternative category requiring lower medical classification in compliance of orders of the Tribunal . Further, they stated that he could not be considered for appointment as Trackman because he was found to be unfit in A-THREE/Bee-ONE medical classification which is the required classification for the post. They stated that a number of medically de-categorised employees having regular status in Railways are waiting to be considered for alternative appointment as they are found fit in lower

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medical classification. In an identical case, in O.A. 767/2009, the respondents were directed to consider the applicant in his turn subject to fulfillment of attendant conditions for such appointment.

3 We have heard learned counsel for the parties.

4 When the O.A came up for hearing on 25.6.2010, the learned counsel for the applicant submitted that O.As filed by similarly situated persons have been allowed by this Tribunal which is not contested by the opposite side.

5 In this view of the matter, we follow the orders of this Tribunal in O.A. 394/2009 and direct the respondents to consider engagement of the applicant in a Group-D post which requires lower medical classification, in his turn, notwithstanding the fact that he has less than six years of casual service.

6 The O.A is allowed as above. No costs.

Dated 2nd July, 2010

kmn —
K. NOORJEHAN
ADMINISTRATIVE MEMBER

Justice K. Thankappan
JUSTICE K. THANKAPPAN
JUDICIAL MEMBER