

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.380/1997

Monday this the 28th day of August, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. V.K. MAJOTRA, ADMINISTRATIVE MEMBER

1. Babu Cherian, S/o MT Cherian,
Mistry,
Under the Depot Store Keeper, Construction,
Southern Railway, Kayamkulam,
residing at Mattathil House,
Pallam Post,
Kottayam District.
2. N.Sundaresan Nair,
S/o A.narayana Pillai,
Mistry, Office of the Inspector of Works,
Construction, Southern Railway,
Trivandrum
residing at Railway Quarters,
No.92C Thampanoor,
Trivandrum.1.
3. K.J. Mathew
S/o Joseph K.J.
Store Issuer, Under the Depot Store Keeper,
Construction,
Southern Railway, Kayamkulam,
residing at Kottaparambil House,
Avalakunnu Po, Gurupuram
Near State Bank of Travancore,
Alapuzha District.
4. H.Romeo, S/o Hari Nigli,
Store Mate, office of the Senior Section Engineer,
Works, Doubling,
Southern Railway, Quilon,
residing at TC.III/2609
Pattam, Trivandrum.14.
5. P.Raveendran Nadar,
S/o V.Pachan, Mate, Office of the
Inspector of Works, Construction,
Southern Railway,
Trivandrum residing at John Nivas,
Karikkuzhi, Karumaracodu,
Aruvikkara PO, Trivandrum.
6. K.J.Rajan,
S/o Janardhanan nair,
Mistry, Under the Section Engineer,
works, Southern Railway,
Trivandrum, residing at
Mullekat House, Thrithallur PO,
Via.Vatanapally, Trichur Dist.
7. M.Gopalakrishna Pillai,
S/o P.Madhavan Pilli,
Mistry under the Executive
Engineer, Construction,
Southern Railway, Trivandrum
residing at Priya Nivas
Velloor Madam,
Kuttumperoor PO,
Alappuzha District.

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8. Joseph Thomas, S/o Thomas Devasia,
Mistry, under the Depot Store Keeper
Construction, Doubling,
Southern Railway, Quilon,
residing at Monipuzhayil House
Edathua PO, Via.Tiruvalla
Alleppey District.
9. P.Ramachandran Nair, S/o N.Padmanabha Pillai
Mistry, under the Depot Store Keeper

Construction, Southern Railway,
Ernakulam, residing at Divya Bhavan,
Aloor PO,Trichur.
10. M.J.George Bernard,S/o Jussay,
Mistry, Under the Senior Section
Engineer Works/Construction,
Southern Railway, Ernakulam Junction,
residing at Manakil House,
Gothuruthy PO,Via.Moothakunnam,
Ernakulam.-
11. C.P.Sethumadhavan, S/o C.Kunjuraman nair
Mistry, under the Senior Section Engineer,
Construction,Southern Railway,
Ernakulam residing at
Ayyappavilasam, Desam, Kunhumpuram,
Alwaye.
12. P.T.Jose, S/o P.V.Thoams,
Mistry, under Section Engineer,
Works, Construction
Southern Railway, Trichur
residing at Plakkal House,
Vennor PO.Meladoor,
Annamanada, Trichur District.
13. J.I.Collin Gomez, S/o J.R.Gomez,
Store Mate, Under the Deputy Chief
Engineer, Cosntruction, Southern Railway,

Trivandrum residing at Velayil House,
Alumkadavu PO,
Marunmoorkulangara South,
Karunagapally, Quilon District.
14. T.Jayachandran S/o K.Thankasamy
Store Mate, Under the Deputy Chief Engineer,
Southern Railway,Construction,
Trivandrum residing at
Anchukudieruppu,
Thengamputhoor,
Kanyakumari District.Applicants

(By Advocate Mr.T.C.Govindaswamy)

Vs.

1. Union of India through the Secretary to the
Government of India, Ministry of Railways,
Rail Bhavan, New Delhi. ...Conted...

2. The General Manager, Southern Railway,
Headquarters Office, Park Town PO,
Madras.3.
3. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town PO, Madras.3.
4. The Chief Engineer,
Construction,
Southern Railway,
Egmore, Madras.8.
5. The Deputy Chief Engineer,
Construction, Southern Railway,
Trivandrum Division,
Trivandrum.14.
6. The Deputy Chief Engineer,
Construction,
Southern Railway,
Ernakulam.
7. The Senior Divisional Personnel officer,
Southern Railway,
Trivandrum Division,
Trivandrum.14.

...Respondents

(By Advocate Mrs.Sumati Dandapani)

The application having been heard on 28.8.2000, the Tribunal on the same day delivered the following:

O R D E R

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

Applicants 14 in number are casual labourers who have been granted temporary status on non-standard trades and working in the pay scale of Rs.1200-1800 and Rs.950-1500. Their grievance is that they are not being regularised in the scale Rs.950-1500 though their counterparts in Madras Division have been pursuant to the orders of the Tribunal in O.A. 517/92 have been absorbed in the scale Rs.950-1500 and the request made by them for the extension of the benefit to them has not been acceded to though the 5th respondent has recommended their case by his letter dated 25.4.96. The applicants have therefore,

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filed this application praying that the respondents may be directed to extend the benefit of the declaration in Annexure.A2 judgment to the applicants and to regularise them forthwith in the scale of pay Rs.950-1500 against the decasualised vacancies earmarked for artisan staff and to grant the consequential benefits thereof.

2. The respondents have filed a detailed reply statement. They have contended that the applicants though are similarly situated to the non-standard Artisan in the Madras Division, the applicants could not be regularised in the scale Rs.950-1500 for want of vacancy. It has been contended that out of 4039 posts created for decasualisation, 644 were allotted in the scale Rs.950-1500 but only 11 posts were allotted to the Trivandrum Division which has already been utilised as per seniority and that it is not possible to consider the case of the applicants for regularisation in the scale Rs.950-1500 .

3. We have heard the learned counsel on either side and have perused the pleadings and materials placed on record. We have gone through the judgment of the Madras Bench of the Tribunal in O.A. 517/92. In that case finding that after absorption of the Artisan standard trades there were still vacancies available and that non-standard trade artisans were senior to those who were already regularised, the Tribunal directed that they should be trade tested and if found suitable regularised. The situation is different in the Trivandrum Division. Since only 11 posts were allotted in the scale

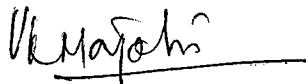
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950-1500 in the decasualisation scheme which has already been utilised on the basis of seniority, the Trivandrum Division cannot be compelled to regularise the applicants as posts do not exist.

4. In the conspectus of facts and circumstances, finding no merit in this application, the same is dismissed leaving the parties to bear their own costs.

Dated the 28th day of August, 2000



V.K. MAJOTRA
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

s.

List of Annexures referred to in the Order:

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| 1. | Annexure A2 | True copy of the judgment in; O.A.517/92 dated 22.9.94 delivered by the Hon'ble Central Administrative Tribunal, Madras Bench. |
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