

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.405/97

Monday this the 28th day of July, 1997.

CORAM

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

1. K.Karuppuswamy, Gate Keeper,
Level Crossing Gate No.145,
Palghat Division, Southern Railway.

2. A.Haneefa, Gate Keeper .do.

3. R.Vijayan, Gate Keeper .do.

..Applicants

(By Advocate Mr. M.P.Varkey)

Vs.

1. The General Manager, Southern Railway,
Madras.3.

2. The Chief Personnel Officer,
Southern Railway, Madras.3.

3. The Divisional Railway Manager,
Southern Railway, Palghat.

4. The Regional Labour Commissioner,
(Central), Shastri Bhavan,
Madras.6.

... Respondents

(By Advocate Mr. James Kurien for R.1 to 4.

Mr.KS Bahuleyan rep.TPM IbrahimKhan, SCGSC for R5)

The application having been heard on 28.7.1997, the Tribunal on the same day delivered the following:

O R D E R

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

Applicants who are Gatekeepers are aggrieved by reclassification of their service as essentially intermittent from continuous. Against this classification they submitted a representation to the Railway Administration. Though the case was favourably recommended by the Divisional Personnel Officer on 16.6.92 (A2) ~~the~~ ~~xxxxxxxxxxxxxx~~ ultimately they came to know through a letter addressed to the Divisional Secretary, SRES, Palghat dated 13.1.95 (A3) that

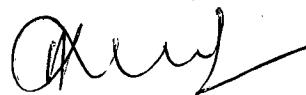
the request of the applicantshasnot been acceded to. Thereafter they preferred an appeal on 18.4.95 (A4) to the Regional Labour Commissioner, the 5th respondent. This appeal remains not responded. Under these circumstances, the applicants have filed this application for the following reliefs:

- (a) Direct the 5th respondent to dispose of A-4 appeal pending before him, within such time as directed by the Hon'ble Tribunal.
- (b) Pass suchother orders or directions as deemed fit, just and proper by this Hon'ble Tribunal in the facts and circumstances of the case.

2. Though the respondents 1 to 4 have filed a reply statement, when the matter came up today, the counsel for the respondents states that the 5th respondent would within a period of two months consider and dispose of the appeal submitted by the applicants on18.4.95 (A4). Parties agree that the application may be disposed of with a direction to the 5th respondent to consider and dispose of the appeal submitted by the applicants.

3. In the result the application is disposed of directing the 5th respondent to consider and dispose of the appeal submitted by the applicants on 18.4.95(A4) and to give them a speaking order within a period of two months from the date of receipt of a copy of this order. There isno order as to costs.

Dated the 28th day of July, 1997.


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

Annexure A2: True copy of letter No.J/P.347/JA/127
dated 16-6-1992 issued by the 3rd respondent.

Annexure A3: True copy of letter No.J/P.347/JA/127
dated 13-1-1995 issued by the 3rd respondent.

Annexure A4: True copy of appeal dated 18.4.1995
submitted by the applicants

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