

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 410 of 2004

Tuesday, this the 8th day of June, 2004

CORAM

**HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER**

1. S. Rahumudeen,
S/o Shahul Hameed,
Adhoc Supervisor of Works, Office of the
Section Engineer/Works/Southern Railway,
Ernakulam Jn.
Residing at: Railway Quarters No.125A,
Ernakulam Junction, Ernakulam.Applicant

[By Advocate Mr. T.C. Govindaswamy]

Versus

1. Union of India, represented by the
General Manager, Southern Railway,
Headquarters Office, Park Town PO, Chennai-3
2. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum-14
3. The Senior Divisional Engineer,
Southern Railway, Trivandrum Division,
Trivandrum-14
4. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum-14
5. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town PO, Chennai-3Respondents

[By Advocate Mr. P. Haridas]

The application having been heard on 8-6-2004, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, who is substantially a Ballast Train
Checker (BTC) but officiating as Works Mistry/Supervisor of
Works in the office of the Section Engineer (Works), Southern
Railway, Ernakulam since the year 1992, is aggrieved that
although he is the seniormost in the category, his services as

Supervisor of Works are not being regularized. His representations in that behalf (Annexure A3 and A4) made to the Chief Personnel Officer, Southern Railway, Chennai have not been found any response. Under these circumstances, the applicant has filed this application for a declaration that nonfeasance on the part of the respondents to regularize his services as Supervisor/Works with effect from 5-1-1989 is arbitrary, discriminatory and unconstitutional and for a direction to the respondents to regularize his services as Supervisor/Works with effect from 5-1-1989 with consequential benefits.

2. When the application came up for hearing, Shri P.Haridas takes notice on behalf of the respondents. Counsel on either side agree that the application may be disposed of with a direction to the respondents to consider Annexure A4 representation of the applicant and to give the applicant an appropriate reply within a reasonable time.

3. In the light of the above submission made by the learned counsel on either side, the Original Application is disposed of directing the 5th respondent to consider Annexure A4 representation of the applicant in the light of the rules, instructions and the vacancy position and to give the applicant a reasoned order within a period of two months from the date of receipt of a copy of this order. No order as to costs.

Tuesday, this the 8th day of June, 2004


H.P. DAS
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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