

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE- 560 038.

Dated: 22 DEC 1994

APPLICATION NO: 350 and 365 to 461 of 1993.

APPLICANTS:- Sri.C.Chinnathambi and ninety seven others.,  
V/S.

RESPONDENTS:- The General Manager, Southern Railways, Madras,  
and others.,

To.

1. Sri.R.Gururajan, Advocate,  
No.83/1, First Floor,  
Fifth Cross, Malleswaram Circle,  
Bangalore-560 003.
2. Sri.A.N.Venugopala Gowda, Advocate,  
No.8/2, First Floor, R.V.Road,  
Bangalore-560 004.

Subject:- Forwarding of copies of the Order passed by the  
Central Administrative Tribunal, Bangalore.


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Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above  
mentioned application(s) on 08-12-1994.

Issued on

22/12/94

o/c

for   
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION Nos. 350 &  
365 to 461/1993

DATED THIS THE EIGHTH DAY OF DECEMBER, 1994.

Mr. Justice P.K. Shyamsunder, Vice Chairman

Mr. V. Ramakrishnan, Member(A)

1. Shri C. Chinnathambi  
S/o. Sri Chinnakali  
residing at Dump Colony  
Old Bayyappanahalli  
M.S. Nagar Post  
Bangalore - 560 033.
2. Sri A. Krishnan  
S/o. Sri Annamalai  
residing at Dump Colony  
M.S. Nagar Post  
Bangalore - 560 033.
3. Sri A. Subramani  
S/o. Sri Annamalai  
residing at Dump Colony  
Bypl, MS Nagar PO  
Bangalore-560 033.
4. Sri T. Natarajan  
S/o. Thangavelu  
residing at Dump Colony  
Bypl, MS Nagar Post  
Bangalore-33.
5. Sri periyaswamy  
S/o. Sri perumal  
residing at Dump Colony  
Bypl, M.S. Nagar Post  
Bangalore-33.
6. Sri A. Arogyaswamy  
S/o. P. Arogyaswamy  
residing at Dump Colony  
Bypl. M.S. Nagar Post  
Bangalore-560 033.
7. Sri C. Krishna  
S/o. Sri Putterangaiah  
residing at Vathelakutta Village  
Nelamangala Taluk, Theemagunta Post  
Bangalore.
8. Sri Theethan  
S/o. Nagan  
residing at Dump Colony  
M.S. Nagar Post  
Bangalore-33.
9. Sri V. Kannan  
S/o. Sri Veeraswamy  
residing at Sanjay Gandhinagar  
M.S. Nagar Post, Bangalore-33.

....2/-



10. Sri A. Armugam  
S/o. Annamalai  
residing at Dump Colony  
M.S. Nagar P.O.  
Bangalore-33.
11. Sri E. Ponnuranga  
S/o. Ellappa  
R/o. M.S. Nagar P.O.  
Bangalore-33.
12. Sri N. Munaswamy  
S/o. Nateshan  
R/o. Dump Colony  
M.S. Nagar P.O.  
Bangalore-33.
13. Sri C. Muruges  
S/o. Chinnaswamy  
R/o. Sathyanagar  
M.S. Nagar P.O.  
Bangalore-33.
14. Sri K. Thirunavukkarasu  
S/o. Kuppan  
R/o. Dump Colony  
M.S. Nagar P.O.  
Bangalore-33.
15. Sri A. Rajendran  
S/o. Sri Swaminathan  
R/o. Sathyanagar  
MS Nagar P.O.  
Bangalore-33.
16. Sri M. Nagaraju  
S/o. G. Muthu  
R/o. Dump Colony  
M.S. Nagar P.O.  
Bangalore-33.
17. Sri N.S. Krishnamurthy  
S/o. Subbaiah Naidu  
R/o. Bypl. M.S. Nagar P.O.  
Bangalore-33.
18. Sri S. Kathaperumal  
S/o. Swaminathan  
R/o. Dump Colony  
Bypl. M.S. Nagar P.O.  
Bangalore-33.
19. Sri R. Murthy  
S/o. Sri Ramu  
R/o. Sathyanagar  
MS Nagar P.O.  
Bangalore-33.
20. Sri M. Narayana  
S/o. Munivenkatappa  
Aged about 36 years  
R/o. Kelkeri, Bhansavadi  
Bangalore-33.

21. Sri Ramakrishna  
S/o. Kunni Kunni  
R/o. Dump Colony  
Bypl. M.S. Nagar PO  
Bangalore-33.
22. Sri Ponnuswamy  
S/o. Muniyan  
R/o. Dump Colony  
Bypl. M.S. Nagar PO  
Bangalore-33.
23. Sri P. Munuswamy  
S/o. Periyapaiyan  
R/o. Siddartha Nagar  
D. Rayan Road, 3rd Cross  
Bangalore-20.
24. Sri P. Muniyan  
S/o. Periyapaiyan  
R/o. Siddartha Nagar  
D. Rayan Road, 3rd Cross  
Bangalore-20.
25. Sri V. Shivan  
S/o. Veeran  
R/o. Dump Colony  
M.S. Nagar Post  
Bangalore-33.
26. Sri A. Madhan  
S/o. Sri Andi  
R/o. Dump Colony  
Bypl. MS Nagar PO  
Bangalore-33.
27. Sri Dorairaj  
S/o. Sri Andiyappan  
R/o. Dump Colony  
Bypl. MS Nagar PO  
Bangalore-33.
28. Sri Munuswamy  
S/o. Perumal Reddy  
R/o. Dump Colony  
Bypl. M.S. Nagar PO  
Bangalore-33.
29. Sri G. Arunachalam  
S/o. Gundan  
R/o. Dump Colony  
Bypl. M.S. Nagar PO  
Bangalore-33.
30. Sri Subramani  
S/o. Chinnaraj  
Sanjaygandhinagar  
R/o. MS Nagar PO  
Bangalore-33.
31. Sri A. Basha  
S/o. Abdul Kabur  
R/o. Sathyanagar, MS Nagar PO  
Bangalore-33.



32. Sri R. Muthu  
S/o. Rameswamy  
R/o. Dump Colony  
Bypl., M.S. Nagar Post  
Bangalore-33.
33. Sri G. Ramalingam  
S/o. Gopal  
R/o. Dump Colony  
Bypl. M.S. Nagar Post  
Bangalore-33.
34. Sri K. Raji  
S/o. Kuppuswamy  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post  
Bangalore-33.
35. Sri T.M. Munaswamy  
S/o. Mari  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post  
Bangalore-33.
36. Sri Madhan  
S/o. Velleiyan  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post  
Bangalore-33.
37. Sri T. Krishnan  
S/o. Theethan  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post  
Bangalore-33.
38. Sri Narayanaswamy  
S/o. Sadayan  
R/o. Sanjay Gandhinagar  
M.S. Nagar Post  
Bangalore-33.
39. Sri Neelakantan  
S/o. Annamalai  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
40. Sri G. Mani  
S/o. Gopal  
Dump Colony, Bypl.  
M.S. Nagar Post  
Bangalore-33.
41. Sri Eswara Rao  
S/o. Ramoji Rao  
R/o. Sanjay Gandhinagar  
M.S. Nagar Post, Bangalore-33.
42. Sri C. Manohar  
S/o. Chinnadorai  
R/o. 119, Gandendranagar  
M.S. Nagar Post, Bangalore-33.

43. Sri Mathiyalagan  
S/o. Nagan  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post  
Bangalore-33.
44. Sri T. Raji  
S/o. Theethan  
R/o. Dump Colony  
Bypl. M.S Nagar Post  
Bangalore-33.
45. Sri M. Nagendran  
S/o. Mookkan  
R/o. Dump Colony, Bypl.  
M.S Nagar Post, Bangalore-33.
46. Sri Natesan  
S/o. Muthan  
R/o. Dump Colony, Bypl.  
M.S. Nagar, Bangalore-33.
47. Sri Antony  
S/o. Gnanapragasan  
R/o. Dump Colony, Bypl  
M.S. Nagar Post, Bangalore-33.
48. Sri M. Krishnamurthy  
S/o. Murugesan  
R/o. Dump Colony, Bypl.  
M.S Nagar Post  
Bangalore-33.
49. Sri K. Manohar  
S/o. Kulandaivelu  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
50. Smt. Muniyamma  
W/o. Pandurangan  
R/o. Sanjay Gandhinagar  
M.S. Nagar Post, Bangalore-33.
51. Smt. Desamma  
W/o. Subramani  
R/o. 69, Gajendranagar  
M.S. Nagar Post, Bangalore-33.
52. Smt. Baggiyam  
W/o. Ramaswamy  
R/o. No.4/115, Gajendranagar  
M.S. Nagar Post, Bangalore-33.
53. Smt. Rose  
W/o. K. Manohar  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
54. Miss. G. Komala  
D/O. Govindaraj  
R/o. 268, Gajendranagar  
M.S. Nagar Post, Bangalore-33.



55. Sri C. Chinnadorai  
S/o. M. Chinnakannu  
R/o. 268, Gajendranagar  
M.S. Nagar Post  
Bangalore-33.
56. Sri M. Kannan  
S/o. Mookkan  
r/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
57. Sri V. Govindaswamy  
S/o. Venkatachalam  
r/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
58. Sri N. Ganeshan  
S/o. Nadumadhan  
r/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
59. Sri V. Chelleppan  
S/o. Venkatachalam  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
60. Sri Thimmarayappa  
S/o. Chinnathimmappa  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
61. Sri M. Kandan  
S/o. Munuswamy  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
62. Sri R. Srikanta Rao  
S/o. Ramji Rao  
R/o. Sanjay Gandhinagar  
M.S. Nagar PO., Bangalore-33.
63. Smt. pudura  
W/o. Arumugam  
R/O. No.14, Bypanahalli  
M.S Nagar Post, Bangalore-33.
64. Sri R. Kumareshan  
S/o. Rangaswamy  
R/o. Sanjay Gandhinagar  
M.S Nagar Post, Bangalore-33.
65. Smt. Kokila  
S/o. Narayanaswamy  
R/o. Sanjay Gandhinagar  
M.S Nagar Post, Bangalore-33.
66. Sri S. Govindaswamy  
S/o. Senrayan  
R/o. Dump Colony, Bypl.  
M.S Nagar Post, Bangalore-33.
67. Sri M. Annamalai  
S/o. Munuswamy  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.

68. Sri A. Sagar  
S/o. Andiyappan  
r/o Dump Colony, Bypl.  
M.S. Nagar Post,  
Bangalore-33.
69. Sri C. Mani  
S/o. Chinnaswamy  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
70. Sri T. Chinnaswamy  
S/o. Theethan  
r/o. Dump Colony, Bypl.  
M.S. Nagar PO., Bangalore-33.
71. Sri M. Krishnan  
S/o. Mookkan  
R/o. Dump Colony, Bypl  
M.S. Nagar Post  
Bangalore-33.
72. Sri A. Ramu  
S/o. Anneppan  
r/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
73. Sri C. Nallan  
S/o. Chennappan  
r/o. Dump Colony, Bypl.  
M.S. Nagar Post  
Bangalore-33.
74. Sri Chennakrishnan  
S/o. Kaliyappan  
R/o. Dump Colony, BYpl.  
M.S. Nagar Post, Bangalore-33.
75. Sri Chennakrishnan  
S/o. Kaliyappan  
r/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
76. Sri V. Nehru  
S/o. Vayapuri  
r/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
77. Sri M. Chinnaswamy  
S/o. Mookkan  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
78. Sri A. Ponnurangam  
S/o. Ayyakkannu  
R/o. Gajendranagar, M.S. Nagar PO.,  
Bangalore-33.
79. Sri Chinnavan  
S/o. Annamalai  
r/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.





80. Sri A. Geveran  
S/o. Annamalai  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
81. Sri Siddaraj  
S/o. Ponnai  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
82. Sri P. Subramani  
S/o. Periyasamy  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
83. Smt. Yellamma  
W/o. Samsanna  
R/o. Sathyanagar, M.S. Nagar  
Post, Bangalore-33.
84. Smt. Papamma  
W/o. Lakshmaiah  
R/o. Sathyanagar, M.S. Nagar  
Post, Bangalore - 33.
85. Smt. Rani  
W/o. Dorai (Late)  
R/o. Sathyanagar, M.S. Nagar  
Post, Bangalore-33.
86. Smt. Kullamma  
W/o. Ramakrishna  
R/o. 255, Gajendranagar  
Bangalore-33.
87. Smt. Jayamma  
D/o. Gopal Reddy  
R/o. 293, Gajendranagar  
Bangalore-33.
88. Smt. Kasiyamma  
W/o. Kodandapani  
R/o. 293, Gajendranagar  
Bangalore-33.
89. Sri R. Sekar  
S/o. Rathinam  
R/o. No.7, Sathyanagar  
Bangalore-33.
90. Sri V.C. Munusamy  
S/o. Chinnasamy  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
91. Sri M. Nagarej  
S/o. Muniyan  
R/o. Dump Colony, Bypl.  
M.S. Nagar Post, Bangalore-33.
92. Sri Balraj  
S/o. Narayanasamy  
R/o. Sanjaygandhinagar  
M.S. Nagar Post, Bangalore-33.
93. Sri S. Palani  
S/o. Sakken, R/o. Dump Colony  
Bypl., M.S. Nagar Post, Bangalore-33.

94. Sri Narayana  
S/o. Muniswamy  
R/o. Dump Colony  
Old Baiyappanahalli  
M.S. Nagar P.O.,  
Bangalore-33.
95. Sri Natesan V.  
S/o. Veleiyan  
R/o. Dump Colony  
M.S. Nagar P.O.,  
Bangalore-33.
96. Sri Annamali  
S/o. Muniyan  
R/o. Dump Colony  
M.S. Nagar P.O.  
Bangalore-33.
97. Sri Lakshman Rao  
S/o. Shivaji Rao, R/o. SanjayGandhinagar,  
M.S. Nagar P.O., Bangalore-33.
98. Sri S. Kaliyappan  
S/o. Sri Challen  
R/o. Dump Colony, M.S. Nagar P.O.,  
Bangalore-93.

(By Mr. R. Gururajan, Advocate)

Vs.

1. The General Manager  
Southern Railways  
Park Town, Madras-600 003
2. The Chief Personnel Officer  
Southern Railway, Park Town  
Madras-680 003.
3. The Senior Divisional Railway  
Manager, Southern Railways  
Bangalore-560 022
4. The Senior Divisional Commercial  
Manager, Southern Railway  
Bangalore-560 002.
5. The Chief Engineer (Construction)  
Southern Railways  
Miller Road, Bangalore Cantonment. .... Respondents

(By Shri A.N. Venugopal Gowda, Standing Counsel  
for the Railways)



O R D E R

Mr. Justice P.K. Shyamsunder:

All these applications are being disposed of on the basis of a consensus arrived at by both sides after detailed and extended negotiations at which a leading part was played by the late Shri K.R.D. Karanth for the respondents in all these cases. Shri R. Gururajan, learned counsel for the applicants expressed deep sense of gratitude for the laudable role played by Shri K.R.D. Karanth, alas, who is now no more, in bringing about a broad consensus agreeable to both sides in the company of Shri Gururajan, <sup>LA</sup>counsel for the applicant.

2. A somewhat thorny issue is facing the Railway administration and its large number of casual workers, who were faced with the prospect of non-employment. In these applications what is mainly sought for is regularisation of the services of the applicants who were substitutes and are said to have been functioning in the kind of ~~mobile~~ <sup>casual</sup> status from a long time and hence seek stabilisation of their position in the Railways on being afforded the status of regular employees. The matter having gone to the Supreme Court, resulted in a direction, calling upon the Railways to work out a plausible scheme that would accommodate the aspirations of the workers without detriment to the Railway administration's economy. The matter having stood thus, the applicants in these applications have approached this Tribunal seeking for a direction being given to the Railway administration to extend to them the benefit of the directions of the Supreme Court of India made in SLP No.8148 to 8426/1991 disposed on 7.2.1994 in G. Narayana & Ors. Vs. Railway Manager (Coml.) & Others.

3. When the applications came up for consideration before us, we asked learned counsel on either side to sit together and evolve an agreed formula and today we are presented with a comprehensive formula interspersed by one or two overtones simulating some discord. Counsel on either sides have filed memos, one on behalf of the applicants and the other on behalf of the Railway administration. Presently we are in receipt of those memos and place the same on record. The eventual disposal of all these applications will rest on the memos filed on behalf of either side. Having perused the same, we find the small area of discordance is all about the position of people who may fail to satisfy the medical test. para-3 of the Railway administration's memo states thus;

"para-3; It is submitted that the regularisation of the applicants and five other similarly situated persons is subject to their being found fit in the prescribed medical examination and if any of the applicants and five other similarly situated persons are found to be and declared to be unfit, such candidates service will be terminated as there are no sanctioned posts of substitute TPT porters for being continued."

The operative portion of the memo by the applicant in that behalf reads thus:

"para-3; The applicants agree that the regularisation is subject to medical examination within 15 days from today and regularisation is to take place after medical examination. If for any reason if any applicant is found to be medically unfit, the regularisation is to be deferred by another year. "

We must however say in all probability that all the applicants will successfully negotiate the medical test and there may not be anyone cast away on ground of medical fitness. But even if a few people are discounted on grounds of medical fitness, it is open to them to undergo a further test or even ask for constitution of a medical board for a more detailed and thorough

examination. Be that as it may, that question will arise only after the applicants are subjected to medical examinations, at the end of which they are either found fit or not. We think it is neither just nor proper for either side to speculate over the possibilities of the outcome of the medical test which is still in the offing. The Railway administration wants at least 6 months time to conclude the medical examination of the 69 and the other applicants who will be straightway sent for medical examination. Learned counsel for the applicants takes exception to the longish delay and suggested that it should be gone through within a fortnight's time and that is his suggestion in para-3. We think while there can be some kind of expedition in these matters but nonetheless the Railway administration must have some time to organise the medical examination and we, therefore, give the Railway administration 3 months time to hold the medical examination of all eligible persons. All those who successfully negotiate the medical examination should be given placement at once in the Railway administration and given all the benefits open to a regular employee right from the date of absorption. In fine, we direct the railway authorities to abide by the statement in their own memo/including the annexures appended thereto which/are treated as part and parcel of this order.

4. With these observations, all these applications stand disposed of without any order as to costs.



TRUE COPY

Section Officer

Central Administrative Tribunal  
Bangalore Bench  
Bangalore

Sd-

(V. RAMAKRISHNAN)  
MEMBER(A)

Sd-

(P.K. SHYAMSUNDAR)  
VICE CHAIRMAN