

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.

--xx--

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

21/12/94

of

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

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, M.S. Nagar Post
Bangalore-560 033.
4. Sri T. Natarajan
S/o. Thangavelu
residing at Dump Colony
Bypl, M.S. 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 Puttarangaiah
residing at Vathelakutta Village
Nelamangala Taluk, Theemagunte 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. Ponnurangam
S/o. Ellappan
R/o. M.S. Nagar P.O.
Bangalore-33.
12. Sri N. Munaswamy
S/o. Nateshan
R/o. Dump Colony
M.S. Nagar PO
Bangalore-33.
13. Sri C. Murugesh
S/o. Chinnaswamy
R/o. Sathynagar
M.S. Nagar PO
Bangalore-33.
14. Sri K. Thirunavukkarsu
S/o. Kuppan
r/o. Dump Colony
M.S. Nagar PO
Bangalore-33.
15. Sri A. Rajendran
S/o. Sri Swaminathan
R/o. Sathyanagar
MS Nagar PO
Bangalore-33.
16. Sri M. Nagaraju
S/o. G. Muthu
R/o. Dump Colony
M.S. Nagar PO
Bangalore-33.
17. Sri N.S. Krishnamurthy
S/o. Subbaiah Naidu
R/o. Bypl. M.S. Nagar PO.
Bangalore-33.
18. Sri S. Kathaperumal
S/o. Swaminathan
R/o. Dump Colony
Bypl. M.S. Nagar PO
Bangalore-33.
19. Sri R. Murthy
S/o. Sri Ramu
R/o. Sathyanagar
MS Nagar PO
Bangalore-33.
20. Sri M. Narayana
S/o. Munivenkataappa
Aged about 36 years
r/o. Kelkari, 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 Munaswamy
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. Ramaswamy
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. Vellaiyan
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. Chinnadurai
R/o. 119, Gajendranagar
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. Dessaarma
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. Chinnadurai
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. Chellappan
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 Bandhinagar
M.S. Nagar Post, Bangalore-33.

63. Smt. Pudura
W/o. Arumugam
R/o. No.14, Bypanahalli
M.S. Nagar Post, Bangalore-33.

64. Sri R. Kumaresan
S/o. Rangaswamy
R/o. Sanjay Bandhinagar
M.S. Nagar Post, Bangalore-33.

65. Smt. Kokile
S/o. Narayanaswamy
R/o. Sanjay Bandhinagar
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. Segar
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. Annamalei
R/o. Dump Colony, Bypl.
M.S. Nagar Post, Bangalore-33.
81. Sri Siddaraj
S/o. Ponman
R/o. Dump Colony, Bypl.
M.S. Nagar Post, Bangalore-33.
82. Sri P. Subramani
S/o. Periyaswamy
R/o. Dump Colony, Bypl.
M.S. Nagar Post, Bangalore-33.
83. Smt. Yellamma
W/o. Samanna
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. Dorei (Late)
R/o. Sathyanagar, M.S. Nagar
Post, Bangalore-33.
86. Smt. Kullamma
W/o. Ramkrishna
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. Munuswamy
S/o. Chinnaswamy
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. Nerayanaswamy
R/o. Sanjaygandhinagar
M.S. Nagar Post, Bangalore-33.
93. Sri S. Palani
S/o. Sakkai, 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. Velaiyan
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 Chellan
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-600 003.

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, ^{1A} 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~~ ^{as} kind of mobile 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 they 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/ treated as part and parcel of this order.

dated 8.12.94

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

22/12/94
Section Office
Central Administrative Tribunal
Bangalore Bench
Bangalore

Sd/-
(V. RAMAKRISHNAN)
MEMBER(A)

Sd/-
(P.K. SHYAMSUNDAR)
VICE CHAIRMAN