



W.P.No.15918 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:18.08.2023 | Delivered on: 19.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.15918 of 2019

- 1.C.Sekar
- 2.S.Panner Selvam
- 3.N.Pushparaj
- 4.Y.Yobhuraja
- 5.M.Kannan
- 6.P.Prakasam
- 7.S.Sreenivasan
- 8.S.Chandrasekaran
- 9.S.Arumugam
- 10.R.Anbazhagan
- 11.V.Balakrishnan
- 12.M.Pavadairayan
- 13.Y.Pavunraj
- 14.S.Babu
- 15.A.Sukumar

... Petitioners

Vs.

- 1.Union of India rep. by
The General Manager,
Southern Railway, Park Town, Chennai-3



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WEB C 2. The Divisional Railway Manager
Tiruchirappalli Division
Southern Railway, Trichy.

3. The Divisional Personnel Officer
Tiruchirappalli Division
Southern Railway, Trichy.

4. The Registrar,
The Central Administrative Tribunal,
Chennai Bench, Chennai.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 4th respondent made in O.A.No.310/01172/2014 dated 11.08.2015, to quash the same and to consequently direct the respondents 1 to 3 to absorb the petitioners in the post of Trackmen.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Mr.P.T.Ramkumar (for R1 to R3)
Standing Counsel

R4 – Tribunal

ORDER

(Judgment of the Court was made by P.B.BALAJI,J.)

The unsuccessful applicants before the Tribunal are the Writ Petitioners before us, praying for issuance of a Writ of Certiorarified



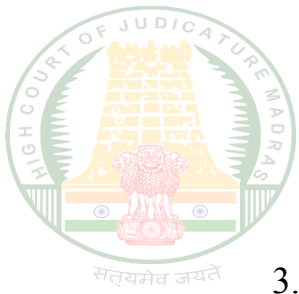
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Mandamus to quash the order of the Tribunal in O.A.No.310/01172/2014 dated 11.08.2015 and to consequently direct the respondents 1 to 3 to absorb the petitioners to the post of Trackmen.

2. The brief facts that are necessary for deciding the present Writ Petition are as follows:

The petitioners were engaged as casual labourers during the year 1983 under the Permanent Way Inspectors (presently Senior Section Engineers/P.Way) in the Engineering Department, Tiruchirapally Division, Southern Railway. The petitioners state that 345 casual labourers including the petitioners were brought into the supplementary casual labour register as on 2003. The grievance of the petitioners is that according to the Railway Board's practice, all classified vacancies that became available upto 31.12.1982 should be filled from among casual labourers and substitutes, with a special relaxation in respect of Class IV vacancies in workshops due to special requirement of workshops and that despite being eligible the respondents have not regularized the petitioners, who were all casual labourers.



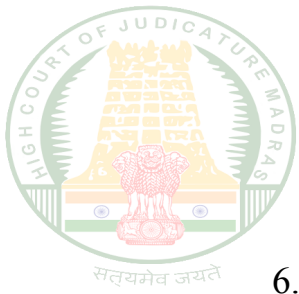
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3. The respondents filed a counter before the Tribunal denying the claim of the petitioners that they were all casual labourers. The said contention of the respondents came to be accepted by the Tribunal and the impugned order came to be passed, holding that the petitioners never worked as casual labourers in the Railways and therefore they cannot claim any legal right to the status of casual labourers and consequently seek absorption.

4. Heard Mr.L.Chandrakumar, learned counsel for the petitioners and Mr.P.T.Ramkumar, learned Standing Counsel for respondents 1 to 3. We have also perused the records and also the order of the Tribunal.

5. Though the learned counsel for the petitioners would vehemently contend that the Tribunal erred in rejecting the petitioners' claim that they were all entitled for absorption and in such process the Tribunal has not considered several instructions on the said subject that came to be issued by the respondent themselves and that when several casual labourers were included for appointment to the post of Trackman, the petitioners were also entitled for being absorbed.



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6. Per contra, learned Standing counsel for the respondents would submit that the impugned order does not require any interference as admittedly the petitioners were not casual labourers and they have not been able to establish the said factum even before the Tribunal by producing any reliable or relevant piece of evidence and he therefore prayed for dismissal of the Writ Petition.

7. The documents that are relied on by the petitioners are certificates issued by the Permanent Way Inspector, Mayiladuthurai Junction, Southern Railway Mayavaram. On a perusal of the various certificates that have been issued to the petitioners, it is evident that the petitioners were engaged as labourers for a brief period of time viz., between 28.12.1983 and 04.01.1984 to meet flood/emergency situation. The said certificates clearly spells out that the concerned labourers would not be entitled for engagement as casual labourers and that they will have no claim for being considered for engagement as such, in future, as a matter of course. It is also mentioned that no medical examination was carried out. Thus, it can be seen that the respondents have made it abundantly clear that the petitioners cannot claim to be casual labourers. Except for the certificates,



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the petitioners have not produced any other documents before the Tribunal to establish their legal right to claim absorption. The Tribunal has also rightly considered all these factors and found that the petitioners cannot claim the status of casual labourers and even from the relevant documents it was noticed that they were not even listed in the casual labour service camp. The certificates issued to the petitioners and relied on by the petitioners before the Tribunal as well as before us does not give us a slightest indication that the petitioners were employed as casual labourers. On the other hand, it only clearly shows that the petitioners cannot claim the status of casual labourers.

8. We are therefore unable to accept the contentions put forth by the counsel for the petitioners. The order of the Tribunal is well reasoned and does not call for any interference.

9. In fine, the Writ Petition is dismissed. No costs.

(D.K.K.J) & (P.B.B.J)
19.09.2023

Internet : Yes
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Neutral citation: Yes/No
mjs



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Pre-delivery order in
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