

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 457 of 2000

Thursday, this the 27th day of July, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. M. Alphonse, S/o Mudiyappan,
Ex-Casual Labourer,
Southern Railway, Trivandrum Division,
Residing at : I.T.I. Road,
Manalikkarai PO,
Kanyakumari District.Applicant

By Advocate Mr. T.C. Govindaswamy

Versus

1. Union of India represented by
The General Manager,
Southern Railway, Madras.
2. The Senior Divisional Personnel Officer,
Southern Railway,
Trivandrum-14

By Advocate Mr. James Kurian

The application having been heard on 27th of July, 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to direct the respondents to include his name at the appropriate place in the list of retrenched Casual Labourers belonging to the Civil Engineering Department of Trivandrum Division and to grant consequential benefits.

2. The applicant says that he is a retrenched Casual Labourer of Southern Railway, Trivandrum Division. He had a continuous service from 6-1-1979 to 5-12-1980 in the Construction Wing of Trivandrum Division. In accordance with the instructions on the subject, he registered his name in March, 1987. Thereafter, in August, 1990 again he submitted

his particulars. Subsequently, in March, 1997 also he submitted all the relevant papers in person and later by registered post.

3. Respondents contend that various Courts and Tribunals have held that the cases of those retrenched Casual Labourers who did not register their names before 31-3-1987 are not liable to be considered for inclusion in the list concerned. This Bench of the Tribunal in OA 211/96 and OA 89/97 held that such persons are not entitled to any relief. The applicant has not applied within the target date, i.e. 31-3-1987, for registering his name in the Supplementary Live Register.

4. There is no dispute as to the fact that the applicant should have got his name registered by 31-3-1987 as he is a pre-1.1.81 retrenched Casual Labourer. The specific stand of the respondents is that the applicant has not applied within the time prescribed. Apart from a bald averment in the OA that the applicant has registered his name in March, 1987, there is absolutely no material in support of the same. It is up to the applicant to prove that he has registered his name within the time prescribed. He has failed to do so. That being the position, the applicant is not entitled to any relief.

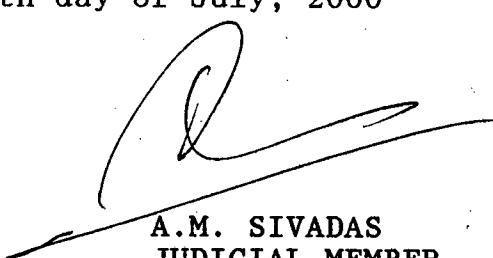
5. Accordingly, the Original Application is dismissed.
No costs.

Thursday, this the 27th day of July, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

ak.



A.M. SIVADAS
JUDICIAL MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

RA No. 31/2000 in OA No. 457/2000

Tuesday, this the 6th day of February, 2001

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. M. Alphonse, S/o. Mudiyappan,
Ex-Casual Labourer, Southern Railway,
Trivandrum Division,
Residing at: I.T.I. Road,
Manalikkarai PO,
Kanyakumari District. ...Review
Applicant

[By Advocate Mr. T.C. Govindaswamy (represented)]

Versus

1. Union of India, represented by
the General Manager,
Southern Railway, Madras.
2. The Senior Divisional Personnel Officer,
Southern Railway,
Trivandrum. ...Respondents

[By Advocate Mr. James Kurian (represented)]

The application having been heard on 6th February, 2001,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to review RA-1 order and to recall
the same and allow the Original Application.

2. As per the order sought to be reviewed, the Original
Application was dismissed on the ground that there is
absolutely no material in support of the stand of the
applicant that he has registered his name by 31-3-1987.

....2.

3. The applicant says that he has submitted the application by registered post on 30-3-1987 and RA-2 is the true copy of the postal receipt. RA-2 shows that a letter was sent by registered post from Marthandam Bridge Post Office addressed to the Divisional Railway Manager, Trivandrum on 30-3-1987. This does not show that it was received by the addressee on 31-3-1987. That apart, the reason stated for the nonproduction of RA-2 during the pendency of the OA is that the time available between the date of filing of the reply statement and the date when the matter was finally decided was very limited. In this context, it is to be pointed out that the applicant need not have waited for filing of the reply statement for the production of RA-2 and he could have very well produced it along with the OA itself. So, the stand of the applicant that the time was very limited between the date of filing of the reply statement and the date of hearing of the OA, cannot be accepted as a valid ground for the nonproduction of RA-2 during the pendency of the OA.

4. According to the applicant, he bonafide believed that the respondents may not dispute the fact of applicant's registration. Even if the respondents have remained absent, the applicant is not entitled to an order in his favour as a matter of course and he has to prove his case. So, the belief of the applicant that the respondents may not dispute his case cannot be of any help to him.

5. It is stated by the applicant that if only he had some time to file rejoinder, the same would have been produced before the Tribunal. As already stated, RA-2 could have been filed along with the OA itself and there was no necessity to wait till the respondents filed their reply statement for an

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opportunity to file a rejoinder accompanying RA-2. The applicant is saying that if only he had some time to file a rejoinder, the same would have been produced, but at this juncture it is pertinent to note that there was absolutely no request from the side of the applicant for time to file rejoinder.

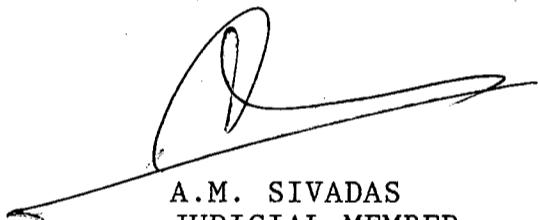
6. We do not find any ground to allow the review application.

7. Accordingly, the Review Application is dismissed. No costs.

Tuesday, this the 6th day of February, 2001



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexure referred to in this order:

1. RA-1 True copy of the order of the Tribunal in OA No. 457/2000 dated 27-7-2000.
2. RA-2 True copy of the Postal Receipt No. 173 dated 30-3-1987.