

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.462/05

Wednesday this the 19 th day of July 2006.

CORAM:

HON'BLE MR. K.B.S.RAJAN, JUDICIAL MEMBER

K.Sreedharan,
Retrenched Casual Labourer,
Southern Railway Palghat Division,
residing at: Thottakara House,
Muttikulangara Post,
Palghat District. Applicant

(By Advocate Shri T.C.Govindaswamy)

Vs.

1. Union of India represented by the
General Manager, Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai-3.
2. The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.
3. The Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat. Respondents

(By Advocate Smt. Sumathi Dandapani)

The application having been heard on 19.7.06
the Tribunal on the same day delivered the following.

ORDER

HON'BLE MR. K.B.S.RAJAN, JUDICIAL MEMBER

The short question involved in this case is whether the applicant has put in 120 days of casual labour service or more to be qualified for absorption in accordance with the relevant rules and in his turn. The respondent rejected the case of the applicant initially on the ground that, the casual Labour Card produced by the applicant accounted for only 101 days. According to the applicant, the engagement of the applicant for a further period in another unit was not recorded in the casual labour card and the details thereof are available in the Casual Labour Live Register which is in the custody of the respondents. In order to verify the

exact factual affairs, respondents were directed to make available the relevant extract from the Casual Labour Live Register. Today when the matter was taken up, learned counsel for respondents produced a copy of the same which has been taken on record. On a perusal of the same, it is seen that, it clearly reflects against item 1324 that the individual had performed duties for 124 days.

2. Learned counsel for the respondents submitted that as a matter of practice the Original casual labour card is instructed to be produced for cross verification and in this case since there is a variation, the applicant's case was rejected.

3. The case has been considered. Casual Labour Live Register is in possession and custody of the respondents and the presumption is always that the documents in the custody of the respondents contain the actual figures. For, there is a possibility of some tampering in the casual labour card which possibility is thoroughly ruled out in respect of the entries in the Casual Labour Live Register. As such, it is declared that the entries made in Casual Labour Live Register are the correct figures and hence, the applicant is qualified to be absorbed in accordance with the rules and in his turn.

4. Accordingly, the O.A. succeeds and the impugned order dated 22.3.04 is quashed and set aside. Respondents are directed to take further action towards absorption of the applicant in accordance with the relevant and prevalent rules. The time calendered for complying with the order is within two months. No costs.

Dated the 19th July, 2006.



K.B.S. RAJAN
JUDICIAL MEMBER