

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original application No. 477 of 2005

Thursday, this the 31st day of August, 2006

C O R A M :

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

C. Ramani, S/o. Chenniappan,
Retrenched Casual Labourer,
Southern Railway, Palghat Division,
Residing of Selvapuram, V Street.
Mannalai, Tiruppur, Tamil Nadu

... Applicant.

(By Advocate Mr.T.C. Govindaswamy)

V E R S U S

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 Manager, Southern Railway, Palghat Division, Palghat. ... Respondents.

(By Advocate Mr. Sunil Jose)

O R D E R
HON'BLE MR. K B S RAJAN, JUDICIAL MEMBER

When the name of the applicant has been found entered in the Live Casual Labour Register, when the said Register contains all the requisite particulars including the date of birth and details of engagement as casual



labourer and when the turn of the ex casual labourer for screening and absorption has ripened, whether the respondents are right in refusing to screen the ex casual labour on the ground that the ex casual labourer has failed to make available the casual labour card and/or date of birth certificate? If answer to this question is in negative, the O.A succeeds and if not, fails.

2. The facts of the case, as lucidly brought out in the counter would be appropriate at this juncture. The same are as under:-

(a) In terms of the directions of the Hon'ble Supreme Court in Inderpal Yadav Case and consequential orders issued by the Railway Board, a live Register of retrenched casual labourers was prepared and published for the purpose of further reengagement of retrenched casual labourers. Separately lists were originally published for casual labourers retrenched prior to 1.1.81 and after 1.1.81. The list of retrenched casual labourers retrenched after 1.1.81 was prepared based on the data furnished by the Unit offices whereas in the case of pre 1.1.81 retrenched casual labourers, the casual labourers have to submit their application alongwith the supporting documents on or before 31.3.1981. Subsequently, based on the directions of this Tribunal contained in O.A. 1706/94, the lists were merged and a single list was published on 17.9.96.

(b) During 1998, based on the sanction communicated by the Chief Personnel Officer, Madras, Sl.Nos. 1 to 635 in the Live

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Register were considered for empanelment, out of which 245 persons were empanelled. The details entered in the Register are based on data furnished by the Unit Offices.

(c) Further sanction was communicated by the Chief Personnel officer, Madras, on 27.1.2003 for filling up of 270 posts of Trackmen from Live Register. Accordingly, notification dated 12.3.03 was issued calling on the retrenched casual labourers from serial Nos. 636 to 1395 to report Divisional Office, Palghat between 17.3.03 to 19.3.03 with all documents such as casual labour card, date of birth certificate etc. Later on remaining retrenched casual labourers (from Sl. No. 1396 to 2284) were also called for by notification dated 10-02-2005.

(d) The applicant reported in the office stating that he is a retrenched casual labour and his name is available at serial No. 1585 of the Live Register. He had not produced the casual labour card.

(e) Casual labour card is a basic document for ascertaining the identity of the person. It contains details such as date of engagement, age at the time of engagement, particulars of working, number of days worked, personal marks of identification, left thumb impression (LTI). Para 2513 of I.R.E.M. (1968) refers.

(f) The applicant did not produce the casual labour card.

(g) Due to non-production of the above aspects could not be verified. Since the applicant failed to produce the documents,

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the screening committee did not recommend his name for absorption. This fact was intimated to the applicant vide Annexure A/1 impugned order.

3. The respondents had, vide order dated 23-05-2005 directed the applicant to produce inter alia the original casual labour card, which (casual labour card) according to the applicant was not given to him.

4. The contention of the applicant is that original casual labour service card particulars which alone were given to him were handed over to the 3rd respondent in 1999 when he demanded the same in connection with re-engagement of the applicant. Applicant further contends that since the details in the live casual leave register are available with the respondents, they could easily verify the same and take further action. As regards identity, the Left Hand Thumb Impression in the relevant register would take care of non-impersonation. Admittedly the applicant had put in 311-1/2 days of casual labour service with the respondents.

5. Arguments have been heard and documents perused. It is the admitted fact that the name of the applicant finds place at serial No. 1585 of the Live Casual Labour Register and that the details contained therein are the ones furnished by the Unit Office. In addition, the Respondents do maintain a Left Hand Thumb Impression Register, which contains the left hand thumb impression of the casual labourers are concerned. Production of casual labour card is not a statutory requirement.

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6. The apprehension of the respondents is that in the absence of original casual labour card impersonation would be very much possible and the anxiety of the respondents is that such impersonation should not be allowed. As the casual labour card contains the thumb impression the same could be compared with that of the holder of the card, if need be. While it is appreciated that care should be taken to ensure that there is no impersonation, at the same time, an aspect which cannot be lost sight of is that the casual labour card is required only for comparison of the details as furnished in the Register. Assuming that the details contained in the Register vary from the ones given in the Casual Labour Card, the same could well be by way of manipulation by the holder of the casual labour card and in that event, it is only the details as contained in the register that would be considered and acted upon. In any event, as the details of engagement of the applicant as casual labourer are available in the Register and as the same are as per the data furnished by the Unit office, calling for the original casual labour card would at best be one of confirmation of the identity of the applicant and nothing else. If so, in the absence of the casual labour card also identity of the person could be ascertained and the applicant could be considered for absorption, based on the details contained in the register and comparing his thumb impressions as available in the Left Hand Thumb Impression Register.

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7. The applicant has also relied upon the following orders of this Tribunal, which squarely apply to the facts of this case:-

- (a) Order dated 8th July, 2006 in OA 377/04 - R. Ponnusamy vs UOI and Ors.
- (b) Order dated 26th Sep 2006 in OA 77/03 - T. Muraleedharan Pillai vs UOI and others.
- (c) Order dated 3rd Feb 05 in OA 379/04 - K. Raju vs UOI and Others.

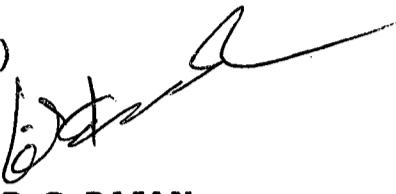
8. In view of the above, the OA is allowed. It is declared that the applicant is entitled to be screened subject to his fulfilling the requirements on the basis of the details contained in the Live Casual Labour Register and in the event of his clearing the screening, he should be considered for absorption in accordance with the relevant rules and regulations of the subject.

9. The respondents are, therefore, directed to call the applicant for screening and take further action. If found fit, the applicant shall be entitled to the seniority in consonance with his registration No. in the live casual register and his pay etc., will be notionally fixed from the date his junior has been appointed while actual pay would be admissible to the applicant from the date of regular absorption. This drill has to be performed within a period of three months from the date of communication of this order.

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10. Costs easy.

(Dated, the 31st August, 2006)


K B S RAJAN
JUDICIAL MEMBER

CVR.