

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.478/05

Friday this the 29th day of July, 2005.

CORAM:

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

T. Sivadasan,
Retrenched Casual Labourer,
Southern Raailway, Palghat Division,
Residinng at Kanjirakadavu House,
Malampuzha P.O., Palghat District. Applicant

(By Advocate Shri TC Govindaswamy)

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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, Paighat Division, Palghaat.
3. The Divisional Personnel Officer, Southern Railway, Paighat Division, Palghat. Respondents

(By Advocate Shri Thomas Mathew Nellimottil)

The Petition having been heard on 29.7.2005, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN.

The applicant is a retrenched Casual Labourer under the Southern Railway, Paighat Division and he was borne on the Live Register of Casual Labourers at Sl.No.1286 which is maintained by the 3rd respondent. He is aggrieved by the impugned order dated 22.3.04 by which his case has been rejected for screening as he has not fulfilled the condition of producing the original casual labour service card. The applicant contends that he appeared before the Screening Committee and produced A-1 and A-1(a) and that all his records including the LTI is very much available with the respondents. The applicant has rendered a total service

of 128 days under the respondents w.e.f.24.2.1984 to 9.7.1984 for which the service particulars are available. The applicant was directed to report to the 3rd respondent on 9.10.2003 with the following documents: (a) proof of identity, (b) date of birth certificate, (c) caste certificate from an authority not below the rank of Tehsildar (d) proof of educational qualification and (e) original casual labour service card. Accordingly the applicant reported on 9.10.2003 and produced all these documents except the original casual labour service card, but he produced a copy of the same. The applicant contend that the original casual labour service card was returned to the respondents in the year 1999 and therefore, he could not produce the same.

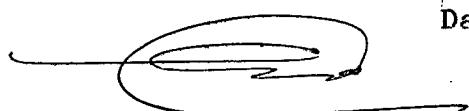
2. The respondents in the reply statement contend that the applicant was called for screening and he has produced all the relevant documents except the casual labour service card in original and again he was asked to produce the same, but he failed to submit the same. The applicant has failed to comply with the directions as he has not produced the orginal of the Casual Labour Service Card and has produced only a copy of the same even though there were instructions that, during the screening the identity of persons and genuineness of the casual labour card will have to be verified by the Finger Print Inspector. Therefore, the screening committee has not recommended the name of the applicant.

3. We have perused the records and heard the counsel on both sides. This Tribunal has considered the case of similar applicants in O.A.Nos.377/04, 379/04 and 381/04 wherein, the applicants have produced casual labour service particulars only, as they were not in a position to produce the casual labour

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service card. This application is found to be a more deserving one since he has produced a copy of the Casual Labour Service Card and he has not been able to produce the original, as it was submitted to the respondents and they have retained the same. It is seen that the LTI of the applicant is available on record and in addition to the service particulars, he has annexed the photo copy of the Casual Labour Service Card also. It has been admitted in the reply statement by the respondents that they have already verified the identity of the person by the Finger Print Inspector and therefore, the plea of the respondents that the genuineness of the casual labour service card could not be verified, is not acceptable. Following the judgement referred to above, we consider that the applicant should not be denied the opportunity only on the ground that he has not been able to produce the original of the card. Respondents could also verify the service particulars and identity of the applicant with reference to the particulars given by him in the copy of the card and the records which are available with them. We, therefore, direct the 3rd respondent to consider the applicant for screening with reference to the photo copy of the service card and finger print and other details shown in A1 and A1(a) and absorb the applicant in a group 'D' post with effect from the date on which the juniors of the applicant were absorbed, if he is otherwise found suitable for such appointment. This exercise shall be completed within a period of one month from the date of receipt of a copy of this order. No costs.

Dated the 29th July, 2005.



K.V. SACHIDANANDAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN