

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 496/99

Wednesday, this the 28th day of April, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

M. Sreekumaran Nair,
Aswathy Bhavan,
Kootappana,
Neyyattinkara P.O.

...Applicant

By Advocate Mr. B. Krishna Mani

Vs.

The Divisional Personnel Officer,
Office of the Divisional Personnel Officer,
Southern Railway,
Thiruvananthapuram.

...Respondent

By Advocate Mr. P.A. Mohammed

The application having been heard on 28.4.99, the
Tribunal on the same day delivered the following:

ORDER

The applicant seeks to quash A-5 and to direct the
respondent to register his name in the list prepared for future
re-engagement and also to appoint him as Khalasi in Southern
Railway forthwith.

2. The applicant says that he is a pre 1.1.1981 retrenched
casual labourer. After 28.6.98, he went to the office of the
respondent and he was informed that his name is in the list.
Since he was not in possession of birth certificate, he was
directed to produce the same and the same was produced on
8.7.98. Some of the applicant's juniors have already been
re-engaged. The applicant is not given re-engagement.

3. One of the prayers is to direct the respondent to appoint the applicant as a Khalasi in Southern Railway forthwith. The Tribunal cannot give a direction to appoint the applicant as Khalasi or in any other post.

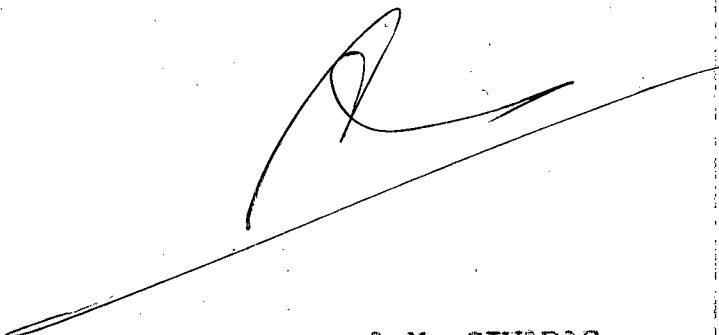
4. It is the admitted case of the applicant that he is a pre 1.1.1981 retrenched casual labourer. That being the position, if he is desirous of getting re-engagement, he should have got his name registered before 31.3.1987. In A-5 impugned order, it is clearly stated that the applicant has not registered his name before 31.3.1987 as a casual labourer retrenched prior to 1.1.1981. Not even a syllable is contained in the O.A. to the effect that the applicant has made any attempt to get his name registered for re-engagement before 31.3.1987. This will only lead to the conclusion that he has not taken any step to get his name registered before 31.3.1987. If that is the case, the applicant is only to be non-suited.

5. The applicant is relying on A-3. In A-3, it is stated that he has produced his caste certificate. A-3 also mentions that he has received a letter from the respondent. That letter is kept as a top secret by the applicant for the reasons best known to him. May be that, if produced, it will not go in support of his case.

6. A person who wants to get his name included in the register for re-engagement, if he is a pre 1.1.1981 retrenched casual labourer should have got his name registered before 31.3.1987 and as the O.A. does not contain even an averment to the effect that the applicant has got his name registered before 31.3.1987, this O.A. is liable to be dismissed at the threshold.

7. Accordingly, the O.A. is dismissed. No costs.

Dated the 28th day of April, 1999.



A.M. SIVADAS
JUDICIAL MEMBER

nv
28499

LIST OF ANNEXURES REFERRED TO IN THE ORDER

1. Annexure A-3:

True copy of the English translation of Annexure A-2.

2. Annexure A-5:

True copy of the order dated 27.1.1999 passed by the respondent pursuant to Annexure A-4.