

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.518/2001

Monday this the 3rd day of December, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. M.G.Mohammed Mustaffa, 5/8A
Kuppusamymistry Line,
Jagir Reddipatti,
Ammapalayam PO, Selam.5.
2. C.Gowaran,
Cookkachannanure, K.Ettipatti PO
Dharmapuri, Kuthankarai TK.
3. V.Arumughan,
Muthanur, Kunnathur PO,
Uthakari TK, Dharmapuri Dist.
4. P.Manohar, 1/1
thirumalaigiri, Sivathapuram PO,
Salem. 636307.
5. N.Palanisamy,
Velayudhapalayam, Ingur (PO)
Perundurai Via.Erode Dist.
6. A.Raja, Thoranampari PO, Tirupathur,
TK Vellur Dist.
7. K.Muthusami, Podariyur PO,
Perumdurai, Erode Dist.
8. C.Rengasamy, Das Nagar,
Namakkal Dist.
9. A.Rangasamy, Ambathkar Nagar,
M.pidariyur PO, Chennimalai,
Erode Dist.
10. K.Chendrayan, Vengankadu,
Veerapandi, Ariyannur PO, Salem Dist.
11. N.Govindaraj, 5/56,
Kattuvalavu, Ariyagoundampatti, Old
suramangalam PO, Salem.5.
12. P.Thiruvally, Kavadiadu
Veerapandi, PO.Salem.

...Applicants

(By Advocate Mr. P.Ramakrishnan)

- V.
1. Union of India, represented by
its General Manager,
Southern Railway, Madras.
2. Divisional Personnel Officer,
Southern Railway, Palghat.

Contd.....

3. Deputy Chief Engineer
(Construction)
Southern Railway, Erode.2.

...Respondents

(By Advocate Mr. Thomas Mathew Nellimootil)

The application having been heard on 3.12.2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicants are Ex-Casual Labourers under the Railways who were in service the third respondent for various periods during 1971 to 1978. Their common grievance is that while persons with lesser service than them have been reengaged in service and even some of them have been retrenched such benefits have not been extended to them despite their making representations. Annexures.A1 and A2 are the representations submitted by the 1st and 2nd applicants. Finding no response the applicants have filed this application for the following reliefs:

"(a) an order directing respondents to reengage the applicants in terms of the scheme for reengagement and regularisation of retrenched casual labourers.

(b) an order directing the 2nd respondent to take up and dispose of Annexure.A1 and A2 representations made by 1st and 2nd applicants and similar representations submitted by the other applicants forthwith; and

(c) Such other orders and directions as are deemed fit in the facts and circumstances of the case.

2. The respondents in their reply statement contend that as the applicants are ex-casual labourers who have abandoned their service prior to 1.1.81, they should have

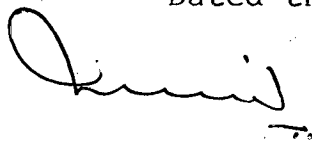
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.3.

applied for re-engagement before 31.3.87 and that as no such request has come from the applicants their names have not been included in the supplementary live register. Therefore, as the applicants have not come forward with their claim for reengagement within the time stipulated and their service records are not available with the respondents, they are not entitled to claim for reengagement.

3. On a perusal of the materials placed on record and on hearing the learned counsel on either side, we are of the considered view that the applicants do not have a subsisting cause of action now to seek reengagement by making representations to the respondents without approaching the respondents within the stipulated time ie., 31.3.1987. The application is therefore rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 3rd day of December, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicants' Annexures:

1. Annexure A1 : True copy of application submitted by 1st applicant before 2nd respondent dated 26-2-2000.
2. Annexure A2 : True copy of application submitted by 2nd applicant before 2nd respondent dated 26-2-2000.

Respondents' Annexures:

1. Annexure R1: True copy of judgment dated 13.5.1993 of Supreme Court of India in Writ Petition(Civil) No.71/1992.
2. Annexure R2: True copy of order dated 18.11.1999 No.O.O. No.P(Co-ord.)/Action Plan 1999-2000.
