

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.6/2008

Dated the 5th day of June, 2008

CORAM :

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

D Selvaraj,
Retrenched Casual Labour,
Southern Railway,
Trivandrum Division
Residing at: Door No.4/47,
Narakkinar Pudur, P.O.,
~~Chettipadam~~ Taluk,
Tuticorin Dist.

... Applicant

By Advocate Mr.T.C.G.Swamy

V/s

- 1 Union of India represented by
General Manager, Southern Railway,
Headquarters Office, Park Town,
Chennai
- 2 The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town, Chennai
- 3 The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division
Trivandrum.
- 4 The Divisional Railway Manager,
Southern Railway,
Trivandrum Division,Trivandrum. ... Respondents

By Advocate Mr.Thomas Mathew Nellimoottil

This application having been heard on 5th June, 2008, the Tribunal on the same day delivered the following:-

(ORDER)

Hon'ble Mr. George Paracken, Judicial Member

The applicant has filed the present OA seeking a declaration that the refusal on the part of the respondents to consider and absorb him as a regular Group 'D' employee (Trackman) in preference to his juniors in the list of retrenched casual labourers is arbitrary, discriminatory and unconstitutional.

2 The respondents in the reply have submitted that though the applicant's name appears at serial no.2914 in the list of retrenched casual labourers, he is overaged with 42 years as on 1.1.2003, his date of birth being 9.2.1960. Moreover, he has put in only 117 days of service and since he is not having the minimum required service of 120 days and therefore he is not eligible for any relaxation of upper age limit for absorption as held by the Hon'ble High Court of Kerala in Writ Petition No.21777/07 dated November, 2007.

3 During the arguments, the counsel for applicant has fairly conceded the aforesaid submissions of the Respondents and did not press for the relief sought in the OA.

Accordingly, this OA is dismissed. There shall be no orders as to costs.



GEORGE PARACKEN
JUDICIAL MEMBER

abp