

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO. 590 OF 1999.

Monday this the 28th day of February 2000.

CORAM :

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

P. Krishnankutty,
S/o P. Balan Nair,
Ex-Casual Labourer,
Southern Railway, Palakkad Division,
residing at : Parola House,
Kalpathy, Palakkad.
(By Advocate M/s Santhosh & Rajan)

Applicant

Vs.

1. Union of India represented by
the General Manager,
Southern Railway, Chennai.
2. The Senior Divisional Personnel
Officer, Southern Railway,
Palakkad. Respondents
(By Advocate Shri K.Karthikeya Panicker)

The application having been heard on 28th February 2000
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant claiming to be a Casual Labourer retrenched prior to 1.1.1981 has filed this application for a declaration that the non-inclusion of his name in the live register of Casual Labourers in Palghat Division as illegal and for a direction to the respondents to include his name in the casual Labour live register of the Palghat division at the appropriate place with consequential benefits. Though the applicant had, pursuant to Railway Board's letter dated 1.3.87, submitted an application for inclusion of his

name in the live register as is seen from A2 and A3, the respondents did not include his name in the live register and therefore, the applicant has filed this application for the reliefs as aforesaid.

2. In the application the applicant had originally shown his father's name as Shri Ayyappan.

3. The respondents in their reply statement contended that no person by name Shri P. Krishnankutty, S/o Ayyappan was engaged under the 2nd respondent as casual labourer, that even if the A1 casual labour card pertains to the applicant, as the applicant does not seem to have been retrenched on completion of work, but had left the service on his own, is not eligible for reengagement that the claim is made belatedly and that therefore it cannot be entertained.

4. After the respondents filed reply statement the applicant sought permission to amend the cause title by changing his father's name from Ayyappan to Shri P. Balan. The prayer was granted and the cause title has been so amended.

5. We have heard the learned counsel on either side. In Annexure A1 , casual labour card, there is nothing to show that the applicant was retrenched for want of work or on expiry of the sanction or on completion of the project. Though the respondents in their reply statement contended that the applicant was not retrenched , the applicant did not seek to refute this by filing a rejoinder. In the representation alleged to have been made by the applicant on 27.7.98 (A4) it has not been stated that the applicant was

retrenched for want of work. Therefore, as the applicant has not established that he was retrenched for want of work we accept the contention of the respondents that the applicant who left the service on his own, has no right to claim inclusion of his name in the casual labour live register.

6. In the light of what is stated above, the application is devoid of merit and the same is dismissed. No costs.

Dated the 28th February 2000.


A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the order:

Annexure A1: True photostat copy of casual labour service card of the applicant issued by the Inspector of Works (Colony), Southern Railway, Palakkad dated 10.2.77.

Annexure A2: True copy of the application dated 26.3.87 submitted by the applicant.

Annexure A3: True photostat copy of the postal acknowledgement dated 28.3.87 of the Postal Department.

Annexure A4: True copy of the representation dated 27.7.88 submitted by the applicant to the 2nd respondent.