

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.590/2009

Dated this the 22nd day of July, 2010

CORAM

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

K. John Rose S/o Varghese Alias Kochumoni
Ex Casual Labourer, Southern Railway
Trivandrum Division
residing at Thiruvandivilai Veedu,
Vilundaiambalam PO, Kanyakumari District.

Applicant

By Advocate Mr. TC Govindaswamy

vs.

- 1 Union of India represented by the General Manager, Southern Railway Headquarters Office, Park Town PO Chennai-3

2 The Divisional Railway Manager Southern Railway, Trivandrum Division Thiruvananthapuram.

3 The Divisional Personnel Officer Southern Railway, Trivandrum Division Thiruvananthapuram.

Respondents

By Advocate Mr. Thomas Mathew Nellimoottil

The Application having been heard on 11.6.2010 the Tribunal delivered the following:

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant, a retrenched Casual Labourer of Southern Railway, Trivandrum Division challenges refusal of re-engagement and absorption. According to the applicant, he has 393 days of casual service to his credit and he is borne at Serial No. 2297 in the seniority list of retrenched casual labourers. Having denied re-engagement and absorption according to his turn, he had earlier approached the Tribunal through O.A. 784/2007, which was allowed by A-2 order. The grievance of the applicant is that the respondents are not complying with the order of the Tribunal. He is also aggrieved that several of his juniors with lesser number of days of service have been screened, empanelled and absorbed as Trackman by the respondents. In this O.A the applicant is challenging the rejection of his case for re-engagement/absorption.

2 The respondents in their reply submitted that pursuant to the order of the Tribunal in O.A. 784/20007, the applicant was directed to report to the Personnel Branch along with original certificates. The applicant had produced TC No. 2235, issued by the Headmaster, Govt. High School, Keezhkulam Pooteeti Kanniyakumari District in proof of his date of birth as 2.5.1958. Upon verification of the same with register NO.2235 and date of admission 1.6.71, it is revealed that the name of the pupil against Admission No. 2235 is one V. John Rose S/o Varghese, Kovilvilai Puthen Veedu, Keezhkulam Pattanam PO belonging to Nadar Christian community with date of birth as 2.5.1958. In the admission register, the name of K John Rose with date of admission 1.6.1971 is not available. They further submitted that the school authorities have

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confirmed that the T.C produced by the applicant is not genuine. Therefore, the absorption of the applicant was not considered due to the fact that he has produced a forged certificate to prove his date of birth.

3 We have heard the learned counsel appearing for the parties.

4 The learned counsel for the applicant produced a copy of the TC countersigned on 16.3.2006 by the Headmaster of Government High School, Keezhakulam-629157, Kanyakumari District. In Column 2, the student's name is shown as K. John Rose and the father's name in Column 3 as Verghese alias Kochumani. According to the learned counsel, the initial K comes from Kochumani. Column 8 shows that the student is fit for promotion from Std. V and hence Col. 6 shows his Date of Birth and promotion to Std. VI. So, the learned counsel tries to establish that his date of admission on 1.6.1971 is to Std. VI and not to Std. I. He has spent 12 years in the School. The TC does not show the class in which he was studying when it was issued in 1983. The respondents stated that on verification of the genuineness of the TC with the Headmaster, it is revealed that the details in the TC does not correlate with the school records. The respondents are not satisfied with the certificate produced by the applicant to prove his date of birth, identity,etc.

5 It is the responsibility of the applicant to prove his date of birth with supporting material from the concerned authority. In the facts and circumstances of the case, we feel that the interest of justice would be met if further verification of the School Records is done. Accordingly, we direct the respondents to arrange a joint verification of the School Register in the presence of the applicant. If on joint

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verification of records, it is found that the documents submitted by the applicant are to be correct, he shall be granted re-engagement and absorption in service, as directed in O.A. 784/2007.

5 With the above observation we dispose of the O.A. No costs.

Dated 22nd July, 2010


K. NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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