

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.598/03

Monday this the 11th day of August 2003.

CORAM:

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

HON'BLE MR. T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Lilly, D/o Rosily,
Kalluvila, Perumarathankuzhy Veedu,
Kottamam, Parasuvaikal P.O.,
Parassala, Neyyattinkara Taluk.

Applicant

(By Advocate Shri L.G.Suresh Babu)

Vs.

1. Railway Divisional Manager,
Southern Railway,
Trivandrum Division, Trivandrum.
2. Permanent Way Inspector,
Southern Railway, Trivandrum.
3. Union of India, represented by
the Secretary, Ministry of Railways,
Rail Bhavan, New Delhi.

Respondents

(By Advocate Shri P.Haridas)

The application having been heard on 11th August, 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. AV.HARIDASAN, VICE CHAIRMAN

The applicant who had served the Trivandrum Division of the Southern Railway as a Casual Labourer prior to 1.1.81 and was retrenched made a representation in the year 2000 for re-engagement and consideration for regularisation. The representation sent through a Member of the Kerala Legislative Assembly was considered and the Divisional Railway Manager, Trivandrum replied that since the applicant has not raised her claim for inclusion in the list of retrenched casual labourers, her name was not included and therefore it was not possible to consider her regularisation now. This letter was dated 13.7.00. The present application has been filed by the applicant on 18.7.03 for a direction to respondents 1 & 2 to include the

applicant's name in the panel of retrenched casual labourers who had worked prior to 1.1.81 for re-engagement and to declare that the applicant is eligible to be included in the panel of retrenched casual labourers since she had worked prior to 1.1.81 and for a direction to 1st & 2nd respondents to re-engage the applicant after including her name in the panel. Although the learned counsel for the respondents sought time to file a statement to the application before admission, no statement has been filed.

2. We have gone through the application. Heard the learned counsel of the applicant as also the learned counsel for the respondents. The question in this case is fully covered by the rulings of the Apex Court in Dhakshin Railway Employees Union of Trivandrum Division Vs. General Manager, Southern Railway and Others (AIR 1987 SC 1153). It has been held by the Apex Court that the casual labourers retrenched prior to 1.1.81 would be entitled to be included their names for absorption only if they register their names before 31.3.1987. The applicant was admittedly retrenched prior to 1.1.81 has not registered her claim for the benefit under the scheme and the first time the claim was put forward was in the year 2000. The applicant therefore does not have a legitimate grievance and the cause of action, if any, is barred by limitation. Under these circumstances the application is dismissed Under Section 19(3) of the Administrative Tribunal's Act, 1985. No costs.

Dated the 11th August, 2003.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN