

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.7/08

Tuesday this the 3rd day of June 2008

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

P.J.Sundaresan,
S/o.P.K.Paramu Maestry,
Ex-Casual Labour, Trivandrum Division,
Southern Railway.
Residing at Thiagaraja Mandiram,
Vikas Nagar, Pattathanam, Kollam – 691 021.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by the General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai – 3.
2. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum – 14.
3. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum. ...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 3rd June 2008 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is a retrenched casual labourer of Southern Railway, Trivandrum Division and his name has been placed at Sl.No.2975 in the live register. He is aggrieved by the non-feasance on the part of the respondents to absorb him regularly as a Trackman/Gangman despite the existence of vacancies. He has, therefore, sought a direction to the respondents to consider him for regular absorption as a



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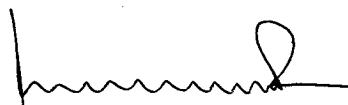
Trackman/Gangman and to regularise him with effect from the date from which his juniors in the seniority list have been engaged/absorbed with all consequential benefits.

2. Respondents in their reply statement submitted that on verification of his records it was noticed that the applicant has put in only 77 days of service at the time he was retrenched and he has crossed the upper age limit of 43 years as on 1.1.2003 prescribed in respect of OBC candidates for absorption, his date of birth being 7.11.1956. As such, he has not been absorbed in the regular establishment of the Railways.

3. Shri.T.C.Govindaswamy, counsel for the applicant, has fairly conceded that since the applicant has not put in a minimum 360 days of casual service, he is not entitled to seek age relaxation for absorption as a regular Group 'D' employee as held by the Hon'ble High Court of Kerala in its judgment in W.P.(C) No.21777/07.

4. I, therefore, dismiss this O.A. There shall be no order as to costs.

(Dated this the 3rd day of June 2008)


GEORGE PARACKEN
JUDICIAL MEMBER

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