

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 115 OF 2009

Thursday, this the 14th day of January, 2010

CORAM:

HON'BLE Dr. K B S RAJAN, JUDICIAL MEMBER

V. Sreekantan Nair,
S/o. Vasudevan Nair,
(Ex-Casual Labourer, Southern Railway,
Trivandrum Division),
Residing at : RENJITH BHAVAN,
Azhakonam, Punchakary,
Thiruvallom P.O., Trivandrum Distt.

... Applicant.

(By Advocate Mr. T.C. Govindaswamy)

v e r s u s

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 Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum - 14

... Respondents.


(By Advocate Ms. P.K. Nandini)

The Original Application having been heard on 14.01.10, this Tribunal on the same day delivered the following :

O R D E R

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

The applicant is an Ex-Casual Labourer of the Trivandrum Division of Southern Railway. According to him, he was pre-1981 casual labourer who is entitled to regularisation in accordance with the decision by the Apex Court in Inderpal Yadav's case, 1985 SCC (L&S) 526. His further claim is that he has a total service of 650 days as could be seen from the



statement at Annexure A-1. He has, therefore, sought for a declaration that he is entitled to be considered for regular absorption/re-engagement as Group 'D' employee in the Trivandrum Division of Southern Railway.

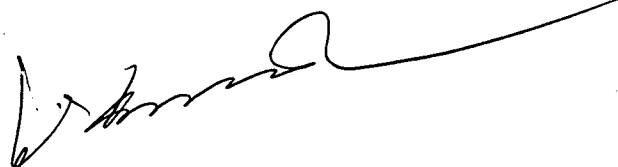
2. The Respondents have contested the O.A. According to them, the decision for re-engagement includes registration of his name prior to 31.03.1987 in the supplementary casual labour register. The cases of retrenched casual labourers who did not register prior to 31.03.1987 have been dismissed by the Tribunal in various O.As, such as 211/1996, 1275/1996, 89/1997, 568/2000, 598/2003, 657/2007, 769/2007, 18/2008 and 192/2008 etc. As such, following the precedent, applicant's O.A. is liable to be dismissed as he does not have the legitimate grievance and further the cause of action, if any, is barred by limitation.

3. When the applicant's counsel presented the case, he was asked to state whether any proof is available to substantiate that the applicant had his name registered prior to 31.03.1987, and the Counsel gave his answer in the negative.

4. Taking into account the inordinate delay involved coupled with the fact that the applicant has no substantiating evidence to show that he had registered his name in the supplementary casual labour register prior to 31.03.1987, and also as similar O.As had been dismissed in the past, this Tribunal is left with no option but to dismiss the O.A.

5. The O.A. , therefore, stands dismissed. In the circumstances, no order as to costs.

(Dated, the 14th January, 2010)



(Dr. K B S RAJAN)
JUDICIAL MEMBER