

O.A.126/2006

CORAM:

**P.Anbalagan, S/o Perumal,
(Ex-Casual Labour/Southern Railway/Trivandrum),
Residing at: Urthira Pasupathy Nayanar Street,
Thekkur, Palayamkottai P.O.,
Thirunelveli District. Applicant**

Vs.

- 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.**
- 3. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
TRIVANDRUM.**

The application having been heard on 5.6.2007, the Tribunal on the same day delivered the following.

ORDER

The only issue involved in this case is as to the identity of the applicant for the purpose of re-engagement as casual labourer. The name and parentage of the applicant are not in dispute and in so far as the entry in the Live Casual labour Register, Sl.No 1887 relates to P. Anbalagan, S/o Perumal which tallies with the details of the applicant. The doubt in identity

was confined is, as stated in the counter in paragraph 8 which reads as under:

"8) Regarding the averments in paragraph 4(d) it is submitted that Annexure A1 and the endorsements therein are accepted. It is humbly submitted that the person figuring at Serial No.1887 was engaged on 16.12.78 and retrenched on 1.1.81, as per the details in the seniority list of casual labourers retrenched after 1.8.81 furnished by the authorities in the construction Organization. In respect of the applicant, he has stated that he was retrenched prior to 1.1.81 and had worked for the period from 27.5.80 to 5.12.80. Since the person at Serial No.1887 in the merged seniority list had worked for longer period, i.e., from 16.12.78 to 1.8.81 and since the service details are differing vastly, he cannot be presumed to be applicant herein. Accordingly, the applicant's trial to show that he is the person at Serial No.1887 is not accepted."

2. Counsel for the applicant submits that, the most authentic method to verify the identity is to compare to the left hand thumb impression of the applicant with that already available with the respondents. Senior Counsel for the respondents submits that, such a verification may be made within a period of two months. Counsel for the applicant also relies upon the decision of this Tribunal in O.A.365/04 dated 2.2.2005 and O.A. 77/03 decided on 28.9.2003.

3. In view of the above, the O.A.is disposed of with a direction to the respondents to get the left hand thumb impression of the applicant and contrast the same with the one already available with them against SL.No.1887 of the Live Casual Labour Register and decide the matter relating to the identity. A period of two months time is granted for this purpose. No costs.

Dated the 5 th June, 2007.


Dr.K.B.S.RAJAN
JUDICIAL MEMBER