

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.130/2006

Friday this the 8th day of June, 2007.

CORAM:

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

K. Chinnaswamy, S/o Kuppan,
Ex-casual labourer,
Southern Railway, Palghat Division,
Residing at; Ambedkar Colony,
Chinthal Padi, Pappireddypatti,
Dharmapuri District, Tamil Nadu. Applicant

(By Advocate Shri T.C.Govindaswamy)

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, Palghat Division, Palghat.
3. The Senior Divisional Personnel Officer, Southern Railway, Palghat Division, Palghat.
4. The Executive Engineer/Construction Organisation, Southern Railway, Poddanur, Coimbatore District.

(By Advocate Smt. Sumathi Dandapani, Sr. with Ms. PK Nandini)

The application having been heard on 5.6.2007, the Tribunal on 8.6.2007 delivered the following.

ORDER

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

For re-engagement or regularization of casual labourers, certain conditions have been specified and main among them are as to the total number of days of service

rendered as casual labourers for the purpose of working out seniority for re-engagement/regularization purposes and proof of age. Where there are disputes in respect of these, it is for the casual labour to prove that he fulfills all the conditions. Here is a case where the claim of the applicant is that he had put in 161 days of casual labour service in Palghat Division, which is stated to have stood verified long back, while the respondents contend that as per the Live Casual Labour Live Register, the period of service is just 15 days. When the applicant was called upon to produce the date of birth certificate to enable the screening committee to consider the entitlement for regularization, the same had not been furnished, and the certificate was furnished much after the screening committee had declined to recommend the case of the applicant. It is under such circumstances the applicant has approached the Tribunal for a direction to the respondents to take into account the birth certificate furnished by the applicant and act upon the same.

2. Respondents have contested the OA. According to them the applicant has not fulfilled the requirement of minimum days of service and that he had not produced the birth certificate on time.

3. Applicant filed the rejoinder stating that since in the ultimate para of the reply the respondents have stated that rejection of the case of the applicant was on account of non furnishing of the birth certificate, the case has to be considered by them with the birth certificate produced thereafter holding that the other condition of minimum number of days of casual service as having been fulfilled.

4. Counsel for the applicant argued that date of birth is required to be verified only with a view to ascertaining that the applicant is not over aged for regularization. At the time of hearing the counsel for the applicant had submitted a copy of the birth certificate for perusal which was dated 19-06-2005. The screening committee had conducted the verification as early as 31-05-2005 and the certificate dated 19-06-2005

had been made available to the respondents on 7th December, 2005. It is clear that despite the pre-intimation that proof of age and date of birth should be brought for verification, the applicant had chosen not to bring the same and it was after the verification that the birth certification was obtained. Again, even after the receipt of the birth certificate dated 19-06-2005, it had taken as many as six months for the applicant to make available a copy of the same to the respondents. In other words, the applicant has acted upon at his leisure without much efforts taken to see that the proof of age and date of birth is made available to the authorities on time. Even if the certificate be considered despite delay, there is no proof as to the total number of days of casual labour service rendered at Palghat as contended by the applicant. True, the casual labour card was taken for verification on 19-12-1995 and returned on 16-02-1996 vide endorsement under Annexure A-2 letter but the same does not reflect the actual number of days of casual labour service rendered in the Palghat Division. The applicant had, vide Annexure A-4 and A-5 did mention about the period of casual labour service but the details as to the specific dates/months have not been furnished in the communication. Rejection of the case of the applicant, as could be seen from the reply read in full is not merely on a lapse in furnishing the date of birth certificate but also taking into account the deficiency in the fulfillment of the number of days of casual labour service.

5. Thus, as the main conditions have not been fulfilled, the respondents cannot be faulted with in their decision in not entertaining the case of the applicant for regularization. The OA thus, is devoid of merits and is, therefore, dismissed. No cost.

Dated the 8 th June 2007.


Dr.K.B.S.RAJAN
JUDICIAL MEMBER