

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.140/06

Thursday this the 9th day of March 2006

C O R A M :

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

M.Wilson,
S/o.Muthian,
Ex-Casual Labourer,
Southern Railway, Trivandrum Division.
Residing at Kuruthalivila Veedu, AMSI,
Thangapattanam, Kanyakumari District.

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

...Respondents


(By Advocate Mrs.Sumathi Dandapani)

This application having been heard on 9th March 2006 the Tribunal on the same day delivered the following :

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant is a Ex-Casual Labourer of Southern Railway, Trivandrum Division, who was borne on the seniority list of retrenched casual labourers of Southern Railway, Trivandrum Division and his name is at Serial No.2052. He submits that vide O.A.633/03 similarly placed casual labourers have been directed to be considered for absorption irrespective of the age limits. Counsel for the applicant stated that the case of the



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applicant having been considered in 2004, the documents were returned to him for verification and thereafter the recruitment process has commenced in 2006 only. Having come to know of the judgment in O.A.633/03 the applicant has submitted a representation dated 24.1.2006 (Annexure A-2) to the respondents. Counsel for the respondents objected to the statement by observing that nothing prevented the applicant for approaching the Tribunal in the year 2004 itself and that the direction in the O.A also was only for consideration if otherwise eligible and this does not confer any right on the applicant. I find that the objection raised by the respondents has some merit. The applicant should have approached the Tribunal at least in the year 2004 and even going by the judgment in Annexure A-3 the persons who have approached this Tribunal are found to be senior to him as the seniority position of the applicants therein was at Sl.No.1988 to 1904 whereas the applicant is below them in the seniority list. As the recruitment process has been started in the year 2006 and the applicant has submitted the representation only in January 2006 as is seen from Annexure A-2, this application before the Tribunal is premature. The O.A is dismissed at the admission stage itself as premature. No order as to costs.

(Dated the 9th day of March 2006)


— SATHI NAIR
VICE CHAIRMAN

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