

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.191/2007
Dated the 4th of April, 2007

CORAM :
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

S Balu
Ex-Casual Labourer,
Southern Railway, Palghat Division
Residing at No.77, Balambalpuram,
North Street, Karur Town,
Karur – 639 001, Tamil Nadu ... Applicant

By Advocate Mr.T.C.G.Swamy

V/S

- 1 Union of India
represented by General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai-3.
- 2 The Divisional Railway Manager
Southern Railway, Palghat Division
Palghat.
- 3 The Divisional Personnel Officer,
Southern Railway, Palghat Division
Palghat.

Mr.Thomas Mathew Nellimoottil

The application having been heard on 04.04.08 the Tribunal on the same day delivered the following

(ORDER)

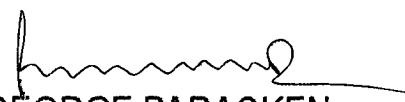
Hon'ble Mr.George Paracken, Judicial Member

The applicant is a retrenched casual labourer who belongs to scheduled caste community and her name is borne at Sr. No.877 of the

casual labour register maintained by the respondents. He made the Annexure A-3 representation dated 1.8.2004 stating that he was engaged as casual labourer from 16.2.78 to 5.7.82 under the PWI/Karur and he had completed 501 days of casual labour service and became eligible for grant of temporary status and absorption. Since the respondents did not consider the said representation, he had earlier approached this Tribunal vide OA No.643/04 and the same was disposed of vide Annexure A-4 order dated 17.8.2004 directing the second respondent namely, The Senior Divisional Personnel Officer, Southern Railway, Palakkad to consider and dispose of the aforesaid representation and to pass appropriate orders. Accordingly, respondents have passed the impugned Annexure A-5 order dated 17.5.2004 which has been challenged in the present OA. According to the respondents the applicant's name was registered at Sr. No.877 of the Live Register but they have rejected his contention that he had put in 501 days of casual service and was eligible to be absorbed in regular service. According to them, he had only 219.5 days of service at his credit. He appeared before the Selection Committee on 19.3.2003 and his case was considered in terms of the Railway Board's instruction contained in Annexure R 1 letter no.E(NO)II/99/CL/19 dated 20.09.2001 according to which the age of casual labour who belong to scheduled caste community should not exceed 45 years as on the cut off date of 1.1.2003. However, the date of birth of the applicant being 20.10.1957, he exceeded the maximum age limit of 45 years as on 1.1.2003. The respondents have therefore, rejected his request to re-engage him as gangman.



I have heard Advocate Ms.Rejitha for Mr.T.C.G.Swamy for the Applicant and Advocate Mr.Varghese John for Mr.Thomas Mathew Nellimoottil, Counsel for the Respondents. I have also perused the entire documents available on record. The instructions regarding age relaxation to ex-casual labours, borne on the Live Casual Labour Register as contained in Annexure R 1 letter dated 20.09.2001 have been issued by the Railway Board. According to the said letter, the ex-causal labour who had put in minimum 120 days casual service whether continuous or in broken spells and were initially engaged within the prescribed age limit are entitled to relaxation of age. In the case of SC/ST candidates, the relaxation in age limit has been fixed at 45 years. By a subsequent letter No.P(S)407/Filling up of vacancies of Trackman (Gangman) dated 18.2.2003, the Respondents have fixed 1.1.2003 as the cut off date for reckoning the age limit. Admittedly, the Applicant was overaged as on 1.1.2003. I, therefore, do not find any merit in this case. OA is accordingly dismissed. There shall be no orders as to costs.



GEORGE PARACKEN
JUDICIAL MEMBER

abp