

3
5

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.203/06

Thursday this the 22nd day of June 2006

C O R A M :

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

M.Sarojini,
D/o.Krishnan,
Kallangad, Pooloodi,
Mankara, Palakkad.

...Applicant

(By Advocate Mr.P.Santhosh Kumar)

Versus

1. Union of India represented by the Secretary,
Ministry of Railways, New Delhi.
2. The Senior Divisional Personnel Officer,
Southern Railway, Palakkad.

...Respondents

(By Advocate Mrs.Sumathi Dandapani)

This application having been heard on 22nd June 2006 the Tribunal
on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant is a Schedule Caste candidate and was engaged as a
Casual Labourer under the respondents from 11.1.1984 and was included
in the Live Register at Serial No.1089. For filling up of the vacancies of
Trackwoman under Group D a screening was conducted of Ex-Casual
Labourer workers and she had been called for screening on various dates
30.9.2003 and during 2004 she had been informed that her case could not
be recommended due to non production of birth certificate. The latest
communication received by the applicant was on 23.3.2004 (Annexure A-3)
and by Annexure R-4 the applicant was again intimated about the

.2.

screening and asked to produce the necessary documents. The applicant during the screening held on 18.2.2005 produced only an affidavit for the proof of birth as she had not attended any school. Later she obtained the birth certificate from the competent authority and produced before the respondents on 20.7.2005 but her case was rejected, compelling her to approach this Tribunal in O.A.95/06 which was disposed of by order dated 20.2.2006 directing the respondents to consider and dispose of her representation taking into account the birth certificate produced. The respondents have now by Annexure A-8 order rejected her representation stating that all the persons in the Live Register have been considered for absorption and the Screening Committee is functus officio and therefore her case could not be considered.

2. In the reply statement also the respondents have submitted the same position that by the time applicant produced the certificate all the persons in the Live Register have been considered and no further screening could be held.

3. When the matter came up for hearing today, counsel for the respondents submitted that the applicant has been given sufficient opportunities to produce the document by which her case could be considered but she had not done so. The applicant's side contended that the applicant is a illiterate person and after she had been informed by Annexure A-3 order, she had approached the Civil Authority for getting a certificate which took time and though the Tribunal had ordered consideration of her representation by taking into account the certificate issued by the Panchayat authority, the respondents have not done so.

4. I have heard both the sides. The respondents are correct in contending that the applicant has been given sufficient opportunities but she had not produced the certificate in time. The applicant being illiterate person and having not attended any school, would require some time to approach the authorities for obtaining a certificate regarding her date of birth and therefore there is some legitimacy in the argument that the respondents could have considered the case sympathetically particularly when there was a direction from this Tribunal to take note of the fact that the applicant had since submitted the date of birth certificate. However, in view of the practical difficulties expressed by the respondents that the screening is complete and the vacancies have been filled up, in my view, it would be just and proper to give a direction to the extent that as and when the screening is held in future, for which the applicant is eligible, the applicant's case shall be considered in accordance with the rules taking into consideration the documents now furnished by the applicant. I, accordingly, do so. With these directions the O.A is disposed of. No order as to costs.

(Dated the 22nd day of June 2006)

Sathi Nair
SATHI NAIR
VICE CHAIRMAN