

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.251/04

Wednesday this the 22nd day of September 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

V.A.Krishnan,
S/o.Andy,
(Ex-Casual Labourer),
Southern Railway, Palghat Division.
Residing at : Vellam Kunnu House,
Post - Mankara, Palghat 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 Personnel Officer,
Southern Railway, Palghat Division,
Palghat.

Respondents

(By Advocate Mr.Rajeswari Krishnan)

This application having been heard on 22nd September 2004
the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The applicant is a retrenched casual labourer who on the date of his retrenchment on 17.8.1984 had 388 days of service to his credit and his name had been incorporated in the live register of the casual labourers. Coming to know that Ex-Casual Labourers were being considered for empanelment he approached the 2nd respondent on 19.3.2003 without producing any documents as he was not aware of the requirements. Despite the fact that he did not produce the documents his left thumb impression was taken and verified and allegedly he was told that he could be given a date for production of the documents. Finding that he did not get any information he again reported on 21.10.2003 producing the service card, community certificate, proof of date of birth etc. but the

respondents did not entertain him and did not consider him for empanelment. Therefore the applicant sent copies of the certificates by registered post by Annexure A-3. Finding no response the applicant has filed this application for a direction to the respondents to accept the original documents of the applicant in proof of his community, age and service and consider him for re-engagement/absorption as a Gangman/Trackman in preference to and alongwith persons with lesser length of service than him.

2. Respondents in their reply statement do not deny the averment that the applicant was a Casual Labourer, that he had put in 388 days of casual labour service, that he had appeared on 19.3.2003, that his left thumb impression was taken and verified and that he was advised that he would be given another opportunity to produce documents. Their contention is that since the applicant did not produce the documents on the next date i.e. between 23.4.2003 to 25.4.2003 and reported only after the screening was over his case could not be considered. They further contended that as there is a discrepancy in the date of birth of the applicant in the affidavit produced by him compared to the age of 21 years as on 28.7.1983, when he was initially engaged as a casual labourer, the claim of the applicant regarding the date of birth is doubtful.

3. The applicant in his rejoinder has stated that he had not been given any intimation regarding the date on which he should report with the documents and therefore the denial of

consideration is unjustified. It is further stated by the applicant that apart from ascertaining the suitability by subjecting him to medical examination no other screening was required in the rules. Regarding the discrepancy in age is concerned the applicant submitted that at the time of engagement only approximate age was given and the notarized affidavit produced should have been accepted as proof of age as the applicant is uneducated and his birth had not been reported for registration by parents who were illiterate.

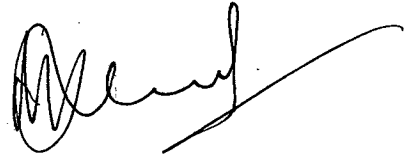
4. When the application came up for hearing the learned counsel of the respondents fairly stated that since the applicant as per the affidavit produced would be within the age limit, if he would report on a given date with all testimonials his claim for empanelment in his turn will be considered by the 2nd respondent and the application may be disposed of with direction in that behalf. The learned counsel of the applicant also agreed.

5. In the light of the submissions made by the learned counsel on either side the application is disposed of directing the 2nd respondent to intimate the applicant the date on which he should appear before him within 15 days from the date of receipt of a copy of this order and directing the applicant to appear before the 2nd respondent on the day specified on such intimation with all original documents and further directing the 2nd respondent to consider the applicant for screening and absorption in his turn on the basis of his placement in the live register

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and issue orders in that regard within a period of three months from the date of screening. There is no order as to costs.

(Dated the 22nd day of September 2004)

A handwritten signature in black ink, appearing to read 'A.V. Haridasan', with a long horizontal flourish extending to the right.

**A.V.HARIDASAN
VICE CHAIRMAN**

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