

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.272/95

Thursday, this the 4th day of July, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

KK Vidhyadharan,
S/o KK Krishnan,
Kovil House,
Channakkala,
Chendrappinni,
Trichur District.

- Applicant

By Advocate Mr TC Govinda Swamy

Vs

1. Union of India through
the General Manager,
Southern Railway,
Headquarters Office,
Madras-3.
2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Madras-3.
3. The Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
4. The Divisional Signal and
Telecommunication Engineer/Works,
Southern Railway,
Poddanur, Coimbatore District. - Respondents

By Advocate Mr PA Mohamed

The application having been heard on 4.7.96 the
Tribunal on the same day delivered the following:

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O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a direction to grant him temporary status with effect from 1.7.70 and consequential benefits. Though, the matter was elaborately argued, we do not propose to load this judgement with unnecessary details.

2. Though the claim for grant of temporary status from 1.7.70 is not supported by any material, applicant has a sustainable claim at least from a date(to be ascertained) in 1975. In an earlier litigation the Railways had produced a document which is now before us as A-6. Calculation will have to be made on the basis of A-6 and temporary status granted. Consequential benefits will also be granted on this basis.

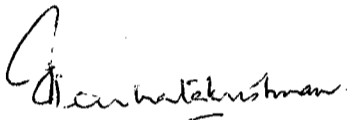
3. In cases like this, there is an intrinsic difficulty. Persons in the position of casual labourers with very little enlightenment of their own affairs or that of others, may not have material enough to sustain their claims. Occasionally spurious claims may also be advanced. xxxxxxxxxxxxxxxxxxxx The Railway Administration cannot be expected to keep every piece of paper relating to engagement of a casual labourer for a long time. At the same time, justice must be rendered to

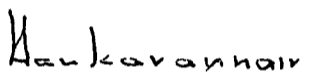
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the downtrodden and the underprivileged, as we glean from the observations of the Apex Court in Inder Pal Yadav and others Vs Union of India, (1985) 2 SCC 648 and L Robert D'Souza Vs Executive Engineer, Southern Railway and another, (1982) 1 SCC 645. This will have to be done on the basis of such material as is available, and as will with reasonable probability support the claim. Unrealistically exacting standards cannot be justified.

4. Application is disposed of as aforesaid. No costs.

Dated, the 4th July, 1996.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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