

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.324/08

Monday this the 8th day of June 2009

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

Jenat Francis,
W/o.(late) V.J.Francis,
Ex-Literate Casual Labourer/
Southern Railway/Trivandrum Division.
Vilakkadan House, Edathala P.O.,
Pookkattupadi, Ernakulam 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 – 14.
3. The Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum – 14.Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 8th June 2009 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has produced the Annexure A-1 certificate dated 15.7.1983 alleged to have been issued to her by the Station Superintendent Ernakulam Junction stating that she had worked as Literate Casual Labourer for the following periods :-



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1. 5.3.80 to 17.4.80
2. 23.4.80 to 31.5.80
3. 20.3.81 to 31.3.81
4. 1.4.81 to 30.4.81
5. 1.5.81 to 31.5.81
6. 1.6.81 to 26.6.81
7. 16.6.83 to 15.7.83

2. According to the said certificate the last date on which she worked was 15.7.83. After a gap of 20 years, she made Annexure A-2 representation to the D.R.M. Trivandrum stating that she worked as a Literate Casual Labourer on daily rates at the reservation office at Ernakulam for a period of 15 months (1980 to 1984) and, therefore, she should be given another opportunity to work under the Railways. The applicant in the OA submitted that in terms of Para 2501. (Para 2001 – Revised Edition) of the Indian Railway Establishment Manual, she had acquired the status of a temporary employee with effect from 26.4.1981. She has also stated that she was borne in the list of retrenched casual labourers of the Transportation/Commercial Department of the Southern Railway, Trivandrum Division and, therefore, she is entitled to be considered for absorption against the existing Group 'D' vacancies in accordance with para 179 (xiii) (c) of the Indian Railway Establishment Manual Vol.I. Her other claim is that several of her juniors identically situated like her were re-engaged/absorbed against Group 'D' posts in the Transportation Department as also in the Civil Engineering Department.



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3. The respondents in their reply statement have refuted the applicant's contention that she is a retrenched casual labourer of the Transportation Department of the Trivandrum Division of the Southern Railway. They have further submitted that she has not produced any documents to prove that she is a retrenched casual labourer of the Transportation Department of the Trivandrum Division. They have also stated that the Annexure A-1 is not a Casual Labour Card issued to the applicant and, therefore, it cannot be accepted. Even if the said document is accepted, she cannot be considered as a retrenched casual labourer eligible for the benefits of re-engagement for absorption granted to the retrenched casual labourers on the strength of the judgment of the Inder Pal Yadav's case.

4. I have heard Shri.Shyam Raj G on behalf of Shri.T.C.Govindaswamy for the applicant and Shri.Thomas Mathew Nellimoottil for the respondents. The applicant has filed this OA on the strength of a certificate alleged to have been issued by the Station Superintendent, Ernakulam Junction way back on 15.7.1983 showing that she worked for 15 months intermittently from 1980 to 1983. The applicant has not produced any document to show that she was a retrenched casual labourer. She has only made wild allegation in the OA that her name has been mentioned in the list of retrenched casual labourers of the Transportation/Commercial Department of the Southern Railway, Trivandrum Division and similarly placed persons have been reengaged/absorbed by the Railways.



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5. In my considered opinion this application is nothing but a frivolous one. The applicant has woken after 24 years to make a representation to the Divisional Railway Manager, Trivandrum vide Annexure A-2 dated 16.6.2007 stating that she had worked for 15 months during the period from 1980 to 1984 and making an unfounded claim that she was a retrenched casual labourer. In the above facts and circumstances of the case, I dismiss this O.A. There shall be no order as to costs.

(Dated this the 8th day of June 2009)


GEORGE PARACKEN
JUDICIAL MEMBER

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