

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.4/06

Friday this the 6th day of January 2006

C O R A M :

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

O.Subadra,
W/o.Dasan,
Karuvarathodi Veedu,
Varodu P.O., Ottappalam Via.,
Palakkad.

...Applicant

(By Advocate M/s.Santhosh & Rajan)

Versus

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

...Respondents

(By Advocate Mrs.Sumathi Dandapani)

This application having been heard on 6th January 2006 the Tribunal
on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant is a casual labourer who allegedly worked for more than 120 days under the respondents. She is aggrieved by the fact that similarly situated persons had been included in the live register and also given appointments whereas she has been excluded. She has produced a copy of the Casual Labour Service Card showing the service particulars as also a copy of the representation made to the authorities at Annexure A-2 dated 6.4.1999.

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2. When the matter came up for hearing counsel for the respondents submitted that according to the judgment of the Hon'ble Supreme Court for inclusion of name in the live register a casual labourer had to approach the authorities by 31.3.1987 and had the applicant approached the authorities in time she would have been considered for appointment. The representation was made by the applicant in the year 1999 and thereafter she had approached this Tribunal after a delay of 7 years. Hence the O.A is barred by limitation. It is submitted by the counsel for the applicant that the applicant came to know about the non inclusion in the register only after the respondents made appointments of similarly placed persons mentioned in para 2 of the application and thereafter immediately she had put in the Annexure A-2 representation. It is further submitted that being a poor casual labourer she could not pursue the matter with the authorities.

3. Considering that the applicant is a poor casual labourer, I direct the 2nd respondent to consider the representation of the applicant at Annexure A-2 in accordance with rules and communicate a decision to her within a period of two months from the date of receipt of a copy of this order. The O.A is disposed of at the admission stage itself. No order as to costs.

(Dated the 6th day of January 2006)

Sathi Nair

SATHI NAIR
VICE CHAIRMAN

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