

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ORIGINAL APPLICATION NO. 180/00701/2018
Monday, this the 13th day of August, 2018

CORAM

**HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE MR.ASHISH KALIA, JUDICIAL MEMBER**

Suresh Kumar.E
S/o.E.P.Sathyananthan Nair, aged 57 years
“Prabha Nivas”, Cheruvannoor
Feroke P.O, Kozhikode – 673 631 (Ex.Casual Labourer) ... **Applicant**

[By Advocate Mr.K.Praveen Kumar]

V.

1. Union of India represented by its Secretary
Ministry of Railways
New Delhi – 110 001
2. The General Manager
Southern Railways
Madras – 600 003
3. The Chief Personnel Manager
Southern Railways, Head Quarters Office
Personnel Branch
Madras – 60 003
4. The Divisional Railway Manager (P)
Mysore Division, South Western Railways
Mysore – 570 005
5. The Divisional Personnel Officer
Mysore Division, South Western Railways
Mysore – 570 005 ... **Respondents**

(By Advocate Mr.Sunil Jacob Jose)

This application having been finally heard on 13.8.2018, the Tribunal on the same day delivered the following in the open court.

O R D E R (ORAL)

Per: MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Heard Mr.K.Praveen Kumar, learned counsel for the applicant. Mr.Sunil Jacob Jose takes notice on behalf of the respondents.

2. Applicant's claim is that he was engaged as Casual Labourer between 27.11.1978 and 4.8.1981 with one break. This is the third round of litigation. On the second occasion, when this Tribunal had dealt with this issue, his case had been dismissed with a detailed order in which it is laid down that the claim of the applicant that he was engaged on 1.1.1981 was not genuine and his name cannot be included in the live casual labour register. This has been upheld by the Hon'ble High Court also.

2. Now the applicant claims that in reply to his representation, the 5th respondent had stated that his case has not been considered as he has already crossed the age of 40.

3. As contentions raised by the applicant with evidence produced in support of the same have already been materially considered by this Tribunal in Annexure A-11 judgment and the view of the Tribunal has been upheld by the Hon'ble High Court, we order that the applicant's request to consider the issue again on the basis of the reply given by respondent no.5 cannot be entertained.

4. For the reasons stated above, the Original Application is dismissed at the admission stage itself. No costs.

**(ASHISH KALIA)
JUDICIAL MEMBER**

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

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List of Annexures

Annexure A-1 - True copy of the casual labour service card showing the service rendered by the applicant during the aforesaid period 27.11.1978 to 12.3.1980

Annexure A-1(a) - True copy of the casual labour service card showing the service rendered by the applicant during the aforesaid period 1.4.1980 to 4.8.1981

Annexure A-2 - True copy of the application submitted by the applicant before the 5th respondent

Annexure A-3 - True copy of the memorandum dated 21.12.1990 issued by the 5th respondent

Annexure A-4 - True copy of the application dated 22.7.94 put in by the applicant before the 5th respondent

Annexure A-5 - True copy of the communication sent by the 2nd respondent to Sri.R.Ambarasu, the then Member of Parliament from Central Madras, dated 13.8.1994

Annexure A-6 - True copy of the representation dated 2.1.95 sent by the applicant to the 3rd respondent

Annexure A-7 - True copy of the reply sent by the 3rd respondent to Annexure A-6

Annexure A-8 - True copy of the order in O.A No.1371 of 1995 dated 11.1.97 submitted by the applicant

Annexure A-9 - True copy of the judgment dated 8.11.2001 in O.P No.16301/1998 filed by the respondents before the Hon'ble High Court

Annexure A-10 - True copy of the order of the 5th respondent dated 5.2.2002

Annexure A-11 - True copy of the order dated 25.7.2007 in O.A No.289/2006 of this Tribunal

Annexure A-12 - True copy of the reply sent by the Public Information Officer of the 5th respondent to the applicant dated 26.12.2008

Annexure A-13 - True copy of the reply sent by the 5th respondent to the applicant dated 23.7.15

Annexure A-14 - True copy of the communication of the 5th respondent dated 29.9.16

Annexure A-15 - True copy of the Statement of Facts dated 1.2.2016 submitted by the 5th respondent before the Kerala Human Rights Commission

Annexure A-16 - True copy of the representation dated 17.3.18 filed by the applicant before the 1st respondent

Annexure A-17 - True copy of the consignment track report showing the delivery of Annexure A-16 to the 1st respondent

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