

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 040/00184 of 2016

Date of Order: This the 7th Day of June 2016.

HON'BLE MOHD HALEEM KHAN, ADMINISTRATIVE MEMBER

1. Sri Yeddu Easwar Rao,
Supervisor
Office of SSE (Electrical), New Bongaigaon
N.F.Railway, New Bongaigaon
Railway Qtr.No.309/B
Hospital Colony
N.F.Railway, New Bongaigaon, Assam
PIN-783381
2. Smti Yeddu Mani
Wife of Sri Y.Easwar Rao
Railway Qtr No.309/B
Hospital Colony
N.F.Railway, New Bongaigaon,
Assam,PIN-783381

Applicants

By Advocate Mr. S.Nath,

-AND-

1. The Union of India
Through General Manager,
N.F.Railway, Maligaon
Guwahati-11
2. The Chief Medical Director
N.F.Railway, Maligaon
Guwahati-11
3. The Chief Workshop Manager
Carriage & Workshop
N.F.Railway, New Bongaigaon
Assam, PIN-783381

4. The Chief Medical Superintendent
N.F.Railway, New Jalpaiguri,
P.O.New Jalpaiguri,
PIN-734004.

Respondents

By Advocate Mr.M.K.Mazumdar,
Railway Standing Counsel .

ORDER (ORAL)

Per Mohd Haleem Khan, Administrative Member:

Learned counsel for the applicant Mr.S.Nath submitted that Applicant No.1 is Supervisor under SSE, Electrical in N.F.Railway, New Bongaigaon. Applicant No.2 is his wife. The applicant No.1 was in sick list since 16.06.2014. Since August, 2015 he is without pay on expiry of leave.

2. Head of the Department, Central Hospital, Maligaon vide letter dated 29.01.2015 forwarded a report of investigation and held that fitness of the applicant No.1 may be decided at the end of ACMS/NBQ by holding a medical Board. A medical Board was constituted on 24.09.2015 and recommended alternative employment on medical ground. No alternative employment was offered and the applicant No.1 was compelled to remain without pay since August 2015 after expiry of leave. The applicant No.1 submitted a representation on 01.12.2015 for re-examination of Medical Board for medical decategorisation in all categories.

3. Medical Board constituted as per Rule 56 (II) (b) examined the applicant No.1 on 04.03.2016 and reported that the applicant is not fit for any kind of Railway job including physically handicapped quota. Accordingly, the applicant should have been granted invalid pension as per Rule 55 of Railway Services (Pension) Rules, 1993. However, instead of granting the invalid pension the respondents have vide letter No.H/219/1(Y.E.Rao) dated 04.05.2016 asked the applicant to appear before the Medical Board again. The applicant has filed representation dated 15.05.2016 and submitted that due to his poor health condition the applicant is unable to present himself before the Medical Board for re-medical examination. Because he was on sick list since 16.06.2014 and his leave expired on 2015 he has not been paid salary since August , 2015.

4. Learned counsel for the applicant vehemently agitated that he should get invalid pension as per Rule 55 (2) read with Rule 62. The delay in sanction of invalid pension is in total violation of provisions of Rule 55. The wife of the applicant (applicant No.2) has also made application to the respondents on 27.5.2016 and prayed for help as per Rule. This court is not able to appreciate the correspondence vide letter No. No.H/219/1(Y.E.Rao) dated 04.05.2016 as to why the applicant is being asked to appear before the Medical Board again in the same

hospital where he has already been examined by the Medical Board on 04.03.2016. It is also not clear from the letter dated 04.05.2016 that the respondents have not found earlier Medical Board's Report as per Rule or deficient in some way.

5. In view of the fact that no reason has been given in the letter dated 04.5.2016, the respondents are directed to take the matter forward as per Rule 55, (2) read with 62 so that the applicant may get invalid pension.

6. The applicant shall make a formal application before the respondent authority within 15 days from the date of receipt of this order. The respondents shall finalize the invalid pension at the earliest but not later than 45 days from the date of receipt of the application for invalid pension.

O.A. is accordingly, disposed of at the admission stage.

No order as to costs.

(MOHD HALEEM KHAN)
ADMINISTRATIVE MEMBER

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