

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.020/00095/2020

Hyderabad this the 28th day of January, 2020

THE HON'BLE MR.B.V.SUDHAKAR, MEMBER (ADMN.)

Between :

M.Shiva Kumar, s/o M.Bhim Rao,
Aged about 43 yrs, Occ:Senior Assistant Loco Pilot/
Chief Crew Controller, Kazipet, Warangal. Applicant

(By Mr.M.Venkanna, Counsel for the Applicant)

And

1. Union of India, rep., by the General Manager,
South Central Railway, Sanchalan Bhavan,
Secunderabad.
2. The Divisional Railway Manager,
Secunderabad Division, S.C.Railway,
Sanchalan Bhavan, Secunderabad.
3. The Senior Divisional Personnel officer,
Secunderabad Division, Sanchalan Bhavan,
Secunderabad.
4. The Senior Divisional Electrical Engineer,
T.R.S.O., Secunderabad Division,
Sanchalan Bhavan, Secunderabad-500 025. Respondents

(By Mr.N.Srinatha Rao, Standing Counsel for Railways)

ORAL ORDER

BY B.V.SUDHAKAR, MEMBER (ADMN.)



2. The OA is filed challenging the memos dated 21.11.2019 and 10.12.2019 respectively in regard to posting of the applicant as Commercial Clerk on being medically decategorised.

3. The brief facts of the case are that the applicant being the Senior Assistant Loco Pilot, was supposed to be given a suitable post commensurate with his experience, qualification and also in consideration of the ailment of CVA, Ischemic stroke on medical decategorisation. Applicant though requested for giving the post of Ticket Examiner or any other administrative post, respondents declined his request. However, other employees, who are similarly situated, were favoured with the choice post of Ticket Examiners, though the applicant on medical grounds was a better candidate to be considered for the said post. Aggrieved over the same, the OA has been filed.

4. The contentions of the applicant are that he is suffering from a peculiar disease, which does not permit him to effectively work as Commercial Clerk. There are vacant posts in the administrative

department like Ticket Examiner etc., wherein he can be accommodated. The Railway Rules stipulate that when an employee is medically decategorised, he should be provided a suitable employment based on his medical condition. Similarly situated employees were given choice postings on being medically decategorised.

5. Heard Mr.M.Venkanna, learned counsel for the Applicant and Mr.N.Srinatha Rao, learned standing counsel for the Respondents, and perused the documents placed on record.

6 (I). It is an undisputed fact that the applicant had been medically decategorised and posted as Commercial Clerk, vide memo dated 10.12.2019 of the respondents.

(II). The plea of the applicant is that the applicant is suffering from a medical disease, which is disabling him from working effectively in the post of Commercial Clerk. Therefore, the applicant has prayed, vide his representation dated 13.12.2019 to post him as Ticket Collector (TC). However, when the arguments were being heard, the learned counsel for the Applicant submitted





that the applicant may be posted to any one of the posts for which he is eligible to be posted, once he has been medically declassified. The request is fair and genuine, given the disease afflicting the applicant. Even for the respondent-department, it would be beneficial to post a medically declassified employee to a post where he can work and contribute effectively to the organization.

7. Hence, keeping the above in view, the OA is disposed of directing the respondents to consider the representation of the applicant dated 13.12.2019 for posting him to any post other than Commercial Clerk, for which he is eligible on medical declassification, as per rules and subject to availability of vacancies, by passing a speaking and reasoned order within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-

**(B.V.SUDHAKAR)
MEMBER (ADMN.)**

Dated: this the 28th day of January, 2020

DSN.