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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

NEW DELHI

OA No. 859/96

New Delhi this the 3th day of April, 1997.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri K. Muthukumar, Member (A)

Shri Surbir Singh
s/o Shri Jhabar Singh
R/O B-32, Greater Kailash I,
New Delhi-48

(By Advocate Shri U. Srivastava) ... Applicant

Vs.

1. National Capital Territory of Delhi
Through the Secretary,
Delhi Administration, Delhi.
2. The Chief Engineer,
Flood Control and Drainage Divn. No. VI,
ISBT, Delhi.
3. The Executive Engineer,
Flood Control and Drainage Divn. No. VI
Govt. of Delhi, Gurmandi, Delhi.

(By Advocate Shri Rajinder Pandita) ... Respondents.

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This application has been filed by the applicant seeking the following reliefs:-

(a) To engage the applicant in a suitable job for which he is eligible with all other consequential benefits as back wages etc.

(b) To allow the OA of the applicant with cost.

2. Both the learned counsel have been heard and we have perused the records.

3. We find that an earlier OA has been filed by the applicant challenging his termination order, terminating his services as Motor Driver by the order dated 31.3.97 in which he had also sought further direction to the respondents to absorb in any other suitable post for which the applicant may be deemed fit. OA 1021/95 had been disposed of by order dated 2.6.95. Subsequent to this order we note that the respondents had considered the request of the applicant's ^{on 15} on humanitarian grounds for alternative job in

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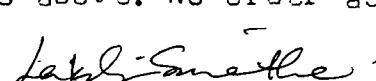
their letter dated 10.10.95 followed by letter dated 28.11.95 in which they have clearly stated that the applicant informed them of his willingness to accept the offer of the post of Mechanic which was conditional. According to the learned counsel for the applicant, the applicant had accepted the offer of the post of Mechanic. We, however, find that the acceptance is subject to certain conditions which was, therefore, not un-qualified acceptance. Thereafter the applicant had filed RA 249/95 in OA 1021/95 which was later withdrawn.

4. In the present application the main allegation is that the respondents have not considered the applicant's claim for alternative job as desired by him. After considering the pleadings and the submissions made by the learned counsel, we find no merit in this application as the respondents have considered and offered him an alternative job, namely, that of Mechanic subject to his qualification in the Trade Test as prescribed under the relevant rules.

5. In the result this application fails and it is dismissed. However, we would like to add that as the applicant had admittedly served the department for more than 11 years as Motor Driver but has been unfortunately disqualified on medical grounds, whatever has been stated here shall not preclude the applicant from making a suitable representation to the Respondents, ^{if he so desires,} which may be considered sympathetically and in accordance with the rules and instructions for any other alternative job.

6. O.A. is dismissed as above. No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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