

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1225 of 1997

New Delhi, dated the 18th Nov., 1997

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

R. Kandaswamy,
S/o Shri Ramaswamy,
C/o Shri H.P. Chakravorti,
Advocate,
B-82-B, Shashi Garden,
Street No.9,
Mayur Vihar-I,
Delhi-110091.

... APPLICANT

(By Advocate: Shri H.P. Chakravorti)

VERSUS

1. Union of India through
the Chairman,
Railway Board,
Ministry of Railways,
Rail Bhawan,
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Divl. Railway Manager,
Northern Railway,
New Delhi.

... RESPONDENTS

(By Advocate: Mrs. B. Sunita Rao)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks re-engagement as Safaiwala or any other Group 'D' post such as Casual Labourer on monthly rate temporary or on regular basis.

I have heard Shri H.P. Chakravorti for applicant and Mrs. Sunita Rao for Respondents.

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3. Applicant who was initially engaged as a Casual Labourer/Safaiwala with Respondents on 19.4.85, upon being sent for medical examination was declared medically unfit owing to heart problem and was discharged from service on 3.7.86. Applicant avers that he was subsequently under treatment for his medical condition in All India Institute of Medical Sciences, and a copy of the medical certificate dated 8.5.87 issued by AIIMS has been filed by him (Annexure-A3) declaring him fit to work as Carriage Cleaner/Safaiwala.

4. It appears that applicant thereafter has been representing to Respondents from time to time praying that he be allowed to resume duties, but Respondents have taken the stand vide letter dated 3.7.96(Annexure-A1) that since the applicant was discharged more than 10 years back, it is not possible for them to take him back in service at this stage.

5. As applicant appears to have filed an application in 1987 itself praying for re-engagement (referred to in the document at page 13A) upon which no final decision was taken by respondents, this prayer cannot be said to be barred by limitation. In the interest of justice, it is disposed of with a direction that after getting the applicant re-examined by their own medical officers if he is found medically fit to perform duties of Casual Labourer Safaiwala, and the applicant is otherwise eligible for appointment as such, the Respondents should consider placing

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his name in the Live C/L Register, without any claim on his behalf for seniority and thereafter consider him for re-engagement as a Casual Labourer strictly in his turn.

6. This OA stands disposed of in terms of Para 5 above. No costs.

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(S. R. ADIGE)
VICE CHAIRMAN (A).

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