

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1258/2000

(10)

This the 17th day of September, 2001.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

Chanderpal Singh S/O Babu Singh,
R/O T-2F, Gate No.2, Nand Nagri,
Delhi, and working as Gangman
under PWI Ghaziabad and posted at
Nand Nagri, Gate No.2, Delhi under the
Administrative control of D.R.M.,
Delhi Division.

... Applicant

(By Shri S.S.Tiwari, Advocate)

-versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.
2. Divisional Railway Manager (N.R.),
Delhi Division, D.R.M. Office,
State Entry Road, New Delhi.
3. Divisional Personnel Manager (NR),
DRM Office, New Delhi Railway Station,
State Entry Road, New Delhi.
4. Sr. Section Engineer (I),
P-Way, Northern Railway,
Ghaziabad. ... Respondents

(By Shri R.L.Dhawan, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

The applicant has alleged that whereas the medical board vide their recommendations dated 2.6.1999 had recommended that the applicant was fit for duty where lifting of heavy weights and fast walking was not required, the respondents are forcing the applicant to perform duties of a gangman which require strenuous work and lifting of heavy weights. It is contended that his representations to allot him light duty in view of the

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recommendations of the medical board have remained unresponded. He has impugned order dated 3.2.2000 (Annexure-A) overruling the recommendations of the medical board and ordering utilization of his services in the original category of gangman against the medical advice.

2. On the other hand, the respondents have stated that after declaration of the applicant as unfit for the job of gangman, when he was declared fit for duties where lifting of heavy weights and fast walking is not required, annexu-A dated 3.2.2000 was issued after adjudging the suitability of the applicant for an alternative post ordering that his services should be utilized in his own medical category as gangman but they should not be utilized for lifting heavy weights and fast walking. The applicant worked as gangman from 22.2.2000 to 9.7.2000 when his services were utilized for duties as per recommendations of the medical board. The applicant remained absent unauthorisedly from duty from 10.7.2000.

3. We have heard the learned counsel on both sides. The learned counsel for the applicant stated that the respondents are bent upon utilizing the services of the applicant in the post of gangman which involves lifting of heavy weights and fast walking. He stated that the applicant could be allotted duties of the post of office khallasi or watering and maintenance of plants. According to him the applicant is not fit for any job associated with a gang because that requires lifting of weights and fast walking. The learned counsel for the

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respondents drawing our attention to Annexure R-4 dated 28.9.2000 stated that the applicant was taken on duty pursuant to his application dated 18.9.2000 w.e.f. 29.9.2000 (f/n) for maintaining the plants at 'A' Panel. The learned counsel for the applicant drew our attention to Annexure R-5 dated 23.11.2000 stating that respondents had again issued an order that the applicant should be allotted work keeping in view his physical condition, i.e., a work which does not require lifting of heavy weights and fast walking. The learned counsel for the respondents stated that the applicant has been engaged on duties for maintenance of plants which neither involves lifting of heavy weights nor does it require fast walking. The learned counsel for the applicant stated that in case the respondents engage the applicant for this kind of job, the applicant shall have no problem.

4. In view of the respondents having already engaged the applicant as per Annexure R-4 for maintenance of plants which does not require lifting of heavy weights and fast walking, it is immaterial whether the applicant is still designated as gangman when the nature of his work has changed from remaining with the gang to maintenance of plants. We have also noticed from Annexure-A dated 3.2.2000 that many medically decategorised personnel were put on supernumerary posts as per the advice of the medical board which are different from the previous designations.

5. In our considered view, in the facts and circumstances of the case, the respondents are directed

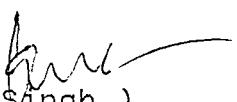
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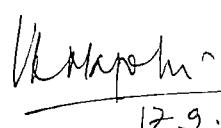
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to utilize the services of the applicant for maintenance of plants which does not involve lifting of heavy weights and fast walking in letter and spirit of their order dated 28.9.2000.

6. Present OA is disposed of in the above terms.

No costs.


(Kuldeep Singh)
Member (J)


17.9.2001
(V.K. Majotra)
Member (A)

/as/