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Central Administrative Tribunal  
Principal Bench, New Delhi.

O.A.No.2442/90

New Delhi this the 23rd Day of January, 1995.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)  
Hon'ble Mrs. Lakshmi Swaminathan, Member(J)

Shri Nathi Lal,  
S/o Shri Sukh Ram,  
R/o E-4/498, Nand Nagri,  
Delhi-93.

Applicant

(through Sh. B.B. Srivastava, advocate -none present)

versus

1. Union of India,  
through the General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. Divl. Railway Manager,  
Northern Railway,  
Delhi Division,  
New Delhi.

(through Sh. P.S. Mahendru - none present )

ORDER(ORAL)  
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

This case has been taken up in the revised list. No one is present on behalf of the parties. We, therefore, proceed to dispose of this case on the basis of the pleadings on record.

The applicant was appointed as Gangman in 1967 and eventually promoted as Keyman in 1989. He fell sick on 19.5.1990 and remained under treatment in the Central Hospital, Northern Railway, New Delhi from 19.5.1990 to 6.7.1990. The hospital also issued a sick certificate on 19.5.90. Thereafter, the Medical Superintendent, Northern Railway issued a fitness certificate on 13.7.90 recommending that the applicant may be given light duty for three months. The applicant alleged that he was not

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allowed to join his duties since 19.5.90. The applicant filed O.A.No.1703/90 which was dismissed as premature as he has not exhausted departmental remedies.

The main reliefs have been prayed for are these:-

- (i) To direct the respondents to give him light duty as recommended by the Medical Superintendent;
- (ii) To direct the respondents to arrange payment of applicant's pay and allowances for the period from 19.5.90 to date and to treat the entire period as duty and that spent on leave on medical grounds as covered by the medical certificate.

In the counter-affidavit filed, the main averments are these. As per records, no discharge certificate issued by ADMO, Rohtak was received by PWI, Bahadurgarh. A supplementary bill for the period from 19.5.1990 to 18.6.1990 had been prepared and sent to the Divisional Office by the Assistant Engineer, Northern Railway, Rohtak for payment of amounting to Rs.584/-. However, no leave was due to the applicant after 18.6.1990 and as such no payment could be made after that date.

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On 6.8.1991 while admitting this application, the respondents were directed to allow the applicant to join the duty on production of fitness certificate and also pay his dues. We do not know whether the applicant has submitted a fresh fitness certificate and joined his duties. From the correspondence filed the applicant himself, it appears that the main difficulty in this case arose as no post of carrying light duties was available in which the applicant could be adjusted. A certificate issued on 3.1.1991 by the Senior Medical Superintendent shows that the applicant was declared permanently ~~medically~~ unfit for the duties of his original post and it was recommended that he should be given alternative employment where bending forward is not required.

The application, is therefore, disposed of with the following directions:-

- (1) The respondents shall take immediate decision on giving alternative employment to the applicant as recommended in the medical certificate dt. 3.1.1991;
- (2) The intervening period will be treated as on medical leave as the applicant was not fit to join his original post during such period.
- (3) There will be no order as to costs.

*Lakshmi Swaminathan*  
(Lakshmi Swaminathan)  
Member(J)

*B.N. Dhandiyal*  
(B.N. Dhandiyal)  
Member(A)

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