

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. DA-385/90

Date of decision: 04.05.1992

(9)

Shri Chhater Pal

.... Applicant

Versus

Union of India through
Genl. Manager, Northern
Railway and Others

.... Respondents

For the Applicant

.... Shri W.P. Sharma, Counsel

For the Respondents

.... Shri Inderjit Sharma, Counsel

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The applicant who has worked as a casual labourer *gangman* in the office of the respondents, has prayed in this application that the respondents be directed to reinstate him in service from 7.5.1986 with back wages and other consequential benefits.

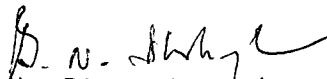
2. The facts of the case are not disputed. The applicant has worked as casual labourer Gangman from 1978 to 6.5.1986. He had completed 120 days of continuous

service. He was sent for medical test by the respondents, wherein the medical authority did not find him fit for the post of Gangman. Thereafter, he was not allowed to work in the office of the respondents.

3. The applicant has contended that even if he has been declared unfit for the post of Gangman, he should have been considered for an alternative job. The respondents have, however, contended that there is no such rule that the casual labourer who has been declared medically unfit, should be considered for the alternative job.

4. We have gone through the records of the case and have heard the learned counsel for both the parties. The applicant has not produced any rule or administrative instructions under which a casual labourer who has been found to be medically unfit, is required to be given alternative employment. In case, there is any such rule or instructions, and if the respondents have considered casual labourers similarly situated for alternative jobs, the applicant can also claim similar treatment.

5. In the light of the above, the application is disposed of with the direction to the respondents to consider the case of the applicant for alternative employment in accordance with any rules or administrative instructions issued by them in the same manner as they dealt with similar cases in the past. The application is disposed of accordingly. There will be no order as to costs.


(B.N. Dhoundiyal)
Administrative Member


(P.K. Kartha)
Vice-Chairman(Judl.)