

(21)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

O.A. No. 2693/91

Dated: New Delhi: 31<sup>st</sup> MAY, 1996.

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J).

Shri Abdul Rashid,  
S/o Shri Rahim Baksh,  
Cook, Electric Training School,  
Northern Railway,  
Kanpur  
By Advocate: Shri B.S. Mainee. ....Applicant.

Versus

Union of India through

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

2. The Divisional Railway Manager,  
Northern Railway,  
Allahabad. ....Respondents.

By Advocate: H.K. Gangwani.

JUDGMENT

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

We have heard applicant's counsel  
Shri B.S. Mainee and respondents' counsel  
Shri H.K. Gangwani.

2. It is very unfortunate that despite this OA having been filed as far back as on 15.11.91, no counter affidavit was filed by the respondents.

3. The applicant's case is that he belongs to the category of running staff and during the periodical medical examination which

(22)

was held in February, 1990, he was declared failed in Class A-I test, and was declared fit only in Class C-1 and C-2. He states that consequent upon his decategorisation, a suitable alternative job was required to be found for him in terms of Railway Board's letter dated 11.4.88, and that a per Rule 313 IREC Volume I, while identifying the alternative post, 30% of the pay should have been added to the minimum as well as to the maximum scale of pay of the running staff. The applicant contends that he was in the pay scale of Rs.1200-2040 and therefore an alternative post in the scale of Rs.1560-2652 had to be identified but as there was no alternative post in that scale and the pay scale immediately below was Rs.1400-2300 while the scale immediately above was Rs.1600-2660, the applicant had to be given an alternative post at least in the scale of 1400-2300. Instead of doing so, he contends that the respondents fitted him against the post of Cook in the scale of Rs.950-1500. As stated above, no reply has been filed by the respondents, and their counsel Shri Gangwani was unable to rebut effectively these assertions.

4. In the light of what has been stated above, this O.A is disposed of with a direction to the respondents to consider the applicant's case for fitment against an alternative post

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(23)

in the appropriate scale in the light of the relevant rules and instructions from the date he was required to be so fitted with consequential benefits, and to pass a detailed, speaking and reasoned order under intimation to the applicant, within 3 months from the date of receipt of a copy of this judgment. No costs.

A.Vedavalli  
( DR .A .VEDAVALLI )  
MEMBER (J)

S.R.Adige  
( S.R .ADIGE )  
MEMBER (A).

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