

Central Administrative Tribunal, Principal Bench

(26)

O.A.No.2729/91

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 27th day of February, 1997

Shri Suresh Parsad  
s/o Shri Pujan Parsad  
Caretaker under Traction Foreman  
Northern Railway  
Tundla. ... Applicant

(By Shri B.S.Mainee, Advocate)

Vs.

Union of India through:

1. The General Manager  
Northern Railway  
Baroda House  
New Delhi.
2. The Divisional Railway Manager  
Northern Railway  
Allahabad. ... Respondents

(By Shri B.K.Aggarwal, Advocate)

O R D E R(Oral)

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)

The applicant is aggrieved that after his medical declassification while he was working as Electric Shunter (Class-III post) in the grade of Rs.1200-2040, in February, 1990, he has only been provided an alternate post as Caretaker which is in the grade of Rs.950-1500. The applicant is aggrieved that this alternate post is not an equivalent post as provided in Rule 1309 of IREM (Volume-I).

2. The main contention of the respondents in their reply is that there were no posts to which he could be adjusted in accordance with his qualifications, and therefore, he had been offered the post of Caretaker which he has accepted

also.

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3. After hearing the learned counsel for both the parties and having regard to the provisions of Rule 1309(IV) of IREM (Volume No.I), the respondents are directed to consider adjusting the applicant against an equivalent or higher post in accordance with these Rules. They may also keep in view the Railway Board's Circular dated 18.8.1975 (Sr. No.6348) regarding the relaxation <sup>of 18</sup> <sub>have been in the cadre of</sub> standards in educational qualifications while identifying a suitable post <sup>18</sup> <sub>22</sub> in the case of applicant who is stated to be running staff.

4. The above action shall be carried out by the respondents within a period of three months from the date of receipt of a copy of this order. They shall also intimate the same to the applicant expeditiously. The OA is disposed of accordingly. No costs.

Rao  
(R.K.AHOOJA)  
MEMBER(A)

/rao/

Lakshmi  
(MRS. LAKSHMI SWAMINATHAN)  
MEMBER(J)