

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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Regn. No. OA 8/1992

Date of decision: 01.12.1992.

Shri Puran

...Applicant

Versus

Union of India

...Respondents

For the Applicant

...Shri B.N. Bhargava, Counsel

For the Respondents

...Shri P.S. Mahendru, 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*

...2/-

Judgment(Oral)

(of the Bench delivered by Hon'ble Shri P.K. Kartha,

Vice Chairman(J))

We have heard the learned counsel of both parties. The prayer contained in this application is that the respondents be directed to reinstate the applicant as casual labourer and regularise him with all consequential benefits. The respondents have stated in their counter-affidavit that the applicant was declared unfit for B-1 category by the Medical Officer concerned. Thereafter, the applicant did not pursue his case by filing any representation to the respondents. He did not also ask for any appeal for consideration of his case by the Medical Board.

2. The learned counsel for the applicant stated that the applicant has acquired temporary status having worked for more than 120 days continuously. He further submitted that the applicant was working only as a Safaiwala for which post the standard of medical fitness is not very rigorous. He also relies upon the instructions issued by the Railway Board dated 11.04.1988 and the Indian Railway Establishment Manual Volume-II, according to which, even the casual labourers who have acquired temporary status should be considered for alternative employment depending upon the category of medical fitness.

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3. Accordingly, the application is disposed of with the following orders and directions:-

(i) The applicant may make a representation with the respondents ~~in writing~~ setting out the details of service and requesting for considering his case in accordance with the Railway Board's instructions and the Indian Railway Establishment Manual regarding giving of alternative appointment to persons who have been declared medically unfit for B-1 category.

(ii) The applicant may do so within a period of one month from the date of receipt of this order. The respondents shall consider the representation sympathetically and in accordance with the Railway Board instructions and Indian Railway Establishment Manual expeditiously and preferably within a period of three months thereafter. In case the applicant is still aggrieved, he will be at liberty to file fresh application in accordance with law.

(iii) There will be no order as to costs.

B.N. Dhundiyal

(B.N. DHUNDIYAL)
MEMBER(A)
01.12.1992

ansd

(P.K. KARTHA)
VICE CHAIRMAN(J)
01.12.1992

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