

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 23rd day of September, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. D. R. TIWARI, A.M.

O.A. No. 391 of 1997

Lallmani Yadav son of Sri Jhinkoo Yadav resident of Village
Dehari Post Office Godhana Police Station Pawai, District
Azamgarh.....

.....Applicant.

Counsel for applicant : Sri R.P. Yadav.

Versus

1. Union of India through its General Manager, Northern
Railway, New Delhi.

2. The Divisional Railway Manager, Northern Railway, Lucknow

3. The Assistant Personnel Officer, D.R.M's Office, Northern
Railway, Lucknow.....

.....Respondents.

Counsel for respondents : Sri P. Mathur.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri R.P. Yadav, learned counsel for applicant
Sri P. Mathur, learned Standing Counsel representing the
Railway administration and perused the records produced
by Sri P. Mathur.

2. The applicant has been working as Porter on
contract basis at Railway Station Varanasi Cantt. The
applicant and others instituted Writ Petition (Civil) No.
507 of 1992 National Federation of Railway Porters, Vendors
and Bearers which was disposed of for issuance of direction
to the Union of India, Railway Administration for permanent
absorption by Indian Railway as Railway Parcel Porter on
regular basis. On consideration of the facts and circum-
stances of the case, the Hon'ble Supreme Court issued the
following amongst other directions :-

- "4) The Units of Railway Administration are not
required to absorb on permanent basis such of
the contract labour Railway Parcel Porters
(Petitioners) who are not found medically fit
for such employment.

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- 5) That the absorption of the petitioners in the writ petitions on a regular and permanent basis by the Railway Administration as Railway Parcel Porters does not disable the Railway Administration from utilising their services for any other manual work of the Railway depending upon its needs."

3. The case of the applicant for absorption on permanent basis was considered but he was not found medically fit for employment as Railway Parcel Porter. Initially certain arguments were advanced about the correctness of medical test but today counsel for applicant has submitted that though the applicant was not found fit under C-I category but the Railway Administration should have consider the applicant's case for any other category below C-I for the purpose of utilising his services for any other manual work depending upon ^{its needs in} ~~view of the respondents~~ ^{directions} given by the Hon'ble Supreme Court. It is alleged in the O.A. that S/Sri Kailash S/O Maikoo Lal, Sohan Lal son of Nankee and Ram Asrey son of Sarjoo of Parcel Porters working at Lucknow and Dukhoo son of Gaya Ram and Babu Lal Son of Gayaram, Parcel Porters working at Varanasi Railway Station were categorised C-I below and have been engaged whereas the applicant has been discriminated without any basis. It is submitted by the counsel for applicant that Railway Administration be directed to consider if the applicant can be medically categorised below C-I for the purpose of deciding whether he can be engaged by the Railway Administration for any other manual work depending upon the needs by the Railway Administration.

4. In view of the above discussions, the O.A. is disposed of finally with direction to the Railway Administration to arrange for a fresh medical examination for determination of his fitment for any other suitable post below C-I medical category within a period of four months from the date of receipt of a copy of this order.

No order as to costs.

A.M.
A.M.

V.C.
V.C.

Asthana/