

(15) (13)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 24TH DAY OF JANUARY, 2000

Original Application No. 414 of 1997

CORAM:

HON'BLE MR.S.BISWAS, MEMBER(A)

Shiv Shankar. S/o Sri Ram kripal
R/o Village-Jarala,
P.O.Jigna, District Mirzapur.

... Applicant

(By Adv: Shri Anand Kumar)

Versus

1. Union of India through General Manager
Northern railway, Baroda House,
New Delhi.
2. Divisional Railway manager
Northern Railway,
Allahabad.
3. Divisional Railway Manager,
Northern Railway,
Firozpur Division,
Firozpur.

... Respondents

(By Adv: Shri A.K.Gaur)

O R D E R(Oral)

(By Hon.Mr.S.Biswas, Member(A)

The learned counsel for the applicant refers that in this case a suitable job was not given to the applicant who was a temporary employee on casual basis. Sometime in 1994 when he had come to Allahabad from Firozpur, due to an accident he lost two of his fingers. The fingers of the right hand were amputated and thereafter a petition was made for a suitable job. The medical certificate given by the Senior Divisional Medical Officer on 17.6.1994 also recommends that a suitable alternative employment be given.

2. The limited issue in this case is whether a suitable job has since been given to the applicant or not. Vide Railway Ministry's order dated 23.3.98 a job ^{that} of Safaiwala was extended to the applicant which he is reluctant to accept on the ground that he has amputated his hand and is incapable in performing the job. The applicant was present and showed the fingers. The plea taken by the applicant is substantially

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correct ^{S. B. Sin} and ~~viewed~~ and seen by the counsel for the respondents also. In the situation, the submission that the application has become infructuous is not quite acceptable.

3. The petition is disposed of at the admission stage with the following directions. It is a fact that the respondents on humanitarian ground extended a job which was considered suitable. Since with the two amputated fingers, it would be difficult for the applicant to perform the job ~~offer~~ to him, it is directed that the respondents should reconsider his application favourably within 8 weeks from the date of communication of this order. The OA is disposed of accordingly with no order as to costs.

S. B. Sin
MEMBER (A)

Dated: 24.01.2000

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