

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1308 of 1998

Allahabad, this the 11th day of May 2004.

Hon'ble Maj. Gen. K.K. Srivastava, A.M.  
Hon'ble Mr. A.K. Bhattacharjee, J.M.

1. Vined Kumar Srivastava,  
S/o Late U.N. Lal,  
C/o Chief Inspector Tickets (Station),  
N. Railway, Moradabad.
2. Vineet Kumar Singh,  
S/o Late Prem Shankar Singh,  
R/o H 355 H, Railway Harthla Colony,  
Moradabad.
3. Mehd. Asim, S/o Sri Ishahaq Hussain,  
R/o Vill. & P.O. Dingarpur,  
District - Moradabad.
4. Iwan Edison S/o Late T.E. Edison,  
R/o H-236 B Aly. Harthla Colony,  
Moradabad.

..... Applicants.

(By Advocate : Shri A.K. Sinha)

Versus

1. Union of India,  
through General Manager,  
N. Railway, Baroda House,  
New Delhi.
2. Divisional Railway Manager (P),  
N. Railway, Moradabad.
3. Kuldip Narain Sharma,  
S/o P.S. Sharma,  
C/o Chief Inspector Tickets  
(Station), N. Railway,  
Moradabad.

..... Respondents.

(By Advocate : Shri A.V. Srivastava)

O R D E R

By Hon'ble Maj. Gen. K.K. Srivastava, A.M. :

In this OA instituted under Section 19 of A.T. Act, 1985,

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....2.

the applicants have challenged the order dated 9.9.1998 (Annexure-A-1) by which respondent No.4 was directed for Local Training for posting as Senior Ticket Collector. The applicants have prayed for quashing the order dated 9.9.1998 and directing the respondent No.1 & 2 not to post respondent No.3 in the Ticket Checking cadre and post him elsewhere against some sedentary job as per recommendation of Chief Medical Officer. The grievance of the applicants, who are working as Ticket Collector, is that respondent No.3 i.e. Shri Kuldip Narain Sharma, who was working as Telecom Maintainer in the Signal Branch of the Division has been posted as Senior Ticket Collector. This OA has been contested by the respondents by filing counter affidavit.

2. Shri A.K. Sinha, learned counsel for the applicant submitted that the action of the respondent No.2 is illegal arbitrary and against the Medical recommendation, who is flouting the rules openly. Learned counsel submitted that as per medical advice Annexure-A-2, the Medical Authorities have found the respondent No.3 a heart patient and therefore since he is fit in <sup>in</sup> Medical Category Bee-one, <sup>in</sup> The Medical Authorities have recommended for sedentary job for respondent No.3 which does not involve much physical exertion. Learned counsel argued that job of Senior Ticket Collector which involves train running/ operation is not sedentary job.

3. Learned counsel argued that as per policy contained in Railway Board letter dated 21.9.1964 (NRPS 2654) if one is medical categories he should be posted in allied category. In fact the posting of the respondent No.3 as Senior Ticket Collector is bound to adversely affect the

promotional avenue of the applicants therefore posting of respondent No.3 as Senior Ticket Collector is liable to be quashed. Learned counsel invited our attention to RA-I also which is the order dated 19.7.1999 and wherein it is clearly mentioned that respondent No.3 has been posted as Chief Ticket Collector which is defined as <sup>h</sup>चल टिकट परीक्षक<sup>h</sup>.

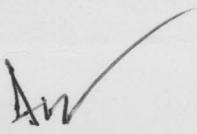
4. Resisting the claim of the applicants Shri A.V. Srivastava, learned counsel for the respondents submitted that the post of Chief Ticket Collector does not involve much physical exertion. Learned counsel submitted that it is not for these applicants to seek any alternative job. It is for the Administration to examine all the aspects in respect of medically-decategorised persons through a screening committee consisting of three Junior Administrative Grade Officers. The screening committee also takes care that de-categorised staff is not subjected to suffer financial loss after his absorption. The contention of the applicants that the screening committee did not consider the medical recommendation is unfounded.

5. We have heard the counsel for the parties, considered their submissions and perused the records.

6. On perusal of Annexure-A-2, we find that the respondent No.3 has been found fit in Medical Category Bee-I and below and the Medical Authorities have recommended for sedentary jobs not involving much physical exertion for respondent No.3. The Medical Authorities vide their letter dated 2.7.1998 (Annexure-A-3) have clarified the word 'sedentary jobs' as, 'No involvement of Trains running or Train passing'. From the perusal of record, it is not clear whether the job of the Head Ticket Collector will be considered as sedentary or not. In fact, in our opinion, the respondents should obtain the medical opinion in this regard <sup>h</sup>specifically<sup>h</sup>.

7. We find that the applicants have filed a representation dated 26.10.1998 which is Annexure-A-7 and the same has not been decided so far. In the interest of justice, we direct the respondent No.2 to consider the same in view of our aforesaid discussions and decide the same by passing the appropriate reasoned and speaking order after obtaining the medical advice within a period of three months from the date of the order of this Tribunal is filed before him.

8. The OA stands finally disposed of with no order as to costs.

  
MEMBER (J)

  
MEMBER (A)

RKM /