

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1058 of 2004

Dated: This the 27th day of October, 2004

HON'BLE MRS. MEERA CHHIBBER, J.M.
HON'BLE MRS. ROLI SRIVASTAVA, A.M.

Gore Lal, aged about 51 years,
Son of Late Shiv Shankar,
Resident of village Bans Ka Pura,
Post Office Kodraon, Police Station
Kokhraj, District Kaushambi.

... . . . Applicant.

By Adv. : Shri A.K.Srivastava.

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, Lucknow Division,
Lucknow.
3. Senior Divisional Personnel Officer,
Northern Railway, Lucknow Division,
Lucknow.

... . . . Respondents.

By Adv : Shri A.K.Gaur

O R D E R

By Hon'ble Mrs. Meera Chhibber, J.M.

Grievance of applicant in this case is that while working as substitute Safaiwala-cum-Porter applicant had met with an accident on 05.3.1975 at about 20/10 hrs. while unloading packages from the break van of 1-AUC ^{Passenger} train, injured as a result of which, he lost

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... pg 2/-

his left lower limb below knee. Subsequently he was approved for absorption as Safaiwala in the Sanitation Department (in terms of PS NO.4009). But according to copy of D.M.O.'s report dated 16.10.1986, he was not found fit for work of Safaiwala. Accordingly vide letter dated 12.11.1987 applicant was approved by the D.R.M. to be re-engaged as Substitute R.R.Bearer in Transportation Department as an ex gratia measure since he was pre 1.6.1978 appointee (page 14). However, the Station Superintendent did not allow him to join on the ground that Union people will object to it (page 18). Since then he has not been given any alternative appointment and, now by impugned letter dated 16.03.2004 applicant has been informed that since this case is 17 years old, therefore, it is not possible to re-consider his case for alternative appointment.

2. Counsel for the respondents objected to the maintainability of the O.A. itself on the ground that this is barred by limitation as cause of action, if any, had arisen in favour of applicant in the year 1987 whereas the present O.A. has been filed only on 01.09.2004, therefore, this O.A. is liable to be dismissed at the admission stage itself.

4. ^{have P} In normal course we would ~~dismiss~~ this O.A. but since admittedly applicant had met with an accident during his duty hours as a result of which he had lost lower limb below knee and D.R.M. had already approved that he should be re-engaged as Substitute R.R.Bearer in Transportation Department. We see no justification why Station Superintendent should not permit ^{him} to join only on the ground that Union would raise objections. However, the Court would not know ground realities, therefore, we think it proper to

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send this matter back to the D.R.M. so that he may apply his mind to the given facts and then pass necessary orders within a period of three months from the date of receipt of a copy of this order under intimation to the applicant.

5. We are sure, in case there is any possibility, D.R.M. would make his efforts to accommodate the applicant, ~~The applicant~~ or, if possible, his son may be considered for compassionate appointment as has been prayed by applicant in his own representation dated 19.4.2001 (page-26 of Annexure-8-D).

6. With the above direction this O.A. is disposed off at the admission stage itself with no order as to costs.

D. Banerjan
Member-(A)

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Member-(J)

Brijesh/-