

9

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO.488 OF 2005

ALLAHABAD THIS THE 07th DAY OF FEBRUARY, 2007

HON'BLE MR. JUSTICE KHEM KARAN, V.C.

HON'BLE MR. P.K. CHATTERJI, MEMBER-A

Gorakh Nath Pandey, S/o Sri Hanuman Pandey, R/o 676-H, Dairy Colony, Gorakhpur

.....Applicant

(By Advocate Shri M. Sahai)

V E R S U S

1. Union of India through Secretary, Ministry of Railways, New Delhi.
2. Union of India through North Eastern Railway, Gorakhpur through its General Manager.
3. Chief Workshop Manager (Mechanical), North Eastern Railway, Gorakhpur.
4. Chief Workshop Manager (Karmik), N.E.R., Gorakhpur.

.....Respondents

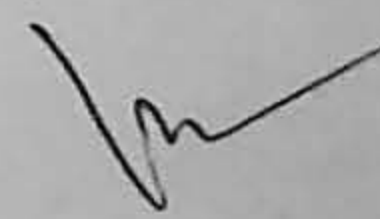
(By Advocate: Sri P. Mathur)

O R D E R

BY JUSTICE KHEM KARAN, V.C.

The applicant has filed this O.A. for directing the respondents to appoint the applicant on any other available vacant post equal to the post he is holding at present and to accord all the consequential service benefits.

2. He is working as Painter Gr. III under the Chief Workshop Manager (Mechanical), North Eastern



Railway, Gorakhpur. He says that in the year 1997 he met an accident and as a result of which he developed some allergy to the dust and smoke etc. and so he represented to the authorities to post him on some other equivalent post. His grievance is that his repeated representations have yielded no result in his favour and so he has come to this Tribunal.

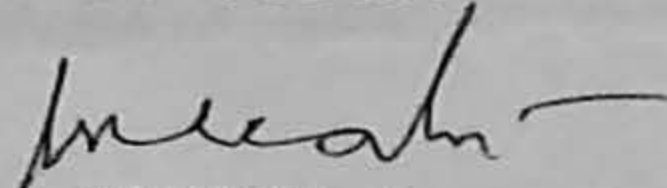
3. In their reply, the respondents have come with a case that the applicant was subjected to medical examination in the light of his complaint, but was declared medically fit by the Medical Board and he was also given promotion. They want to say that the grounds taken in the O.A. for seeking the said relief are not well founded.

4. We, after hearing the parties' counsel and perusing the material on record, have formed the view that the General Manager, N.E.R., Gorakhpur should be asked to look into the grievance of the applicant and take a suitable action as may be permissible under the rules. Whether the applicant is having the medical problem of ^{the} type stated in the O.A. and whether that alone is sufficient to accommodate him some-where else are the questions, that can be better looked into by the General Manager and so we refrain from expressing our views on those issues.

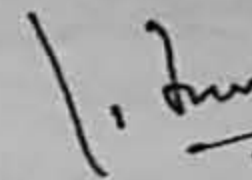
1/2

(11)

5. So, this O.A. is finally disposed of with a provision that incase the applicant gives a self-contained representation to the General Manager, N.E.R., Gorakhpur within a period of one month from today, the General Manager shall consider and dispose of the same within a period of three months from the date such representation is so received by him. No costs.


MEMBER-A

GIRISH/-


7.2.07

VICE CHAIRMAN