

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA



O.A. No.350/1114/2020

Date of order : 08.12.2020

**Hon'ble Mrs. Bidisha Banerjee, Judicial Member**  
**Hon'ble Mr Tarun Shridhar, Administrative Member**



Shri Jayanta Kumar Saha,  
S/o late Amiyo Kr. Saha, working as Safety-TI  
Howrah under Senior Divisional Safety Officer and  
Residing at 25, Chandmari Road, Howrah-711109.

.....Applicant

-Versus -

1. Union of India  
Through the General Manager,  
17, N.S. Road,  
Kolkata-700001.
2. The Divisional Railway Manager,  
Eastern Railway, Howrah-711101.
3. The Chief Medical Director,  
Eastern Railway,  
Howrah-711101.
4. The Senior Divisional Medical Officer,  
Eastern Railway,  
Howrah-711101.
5. The Senior Divisional Personnel Officer,  
Eastern Railway,  
Howrah-711101.

.....Respondents

For the Applicant(s): Mr N. Roy, Counsel

For the Respondent(s): Mr K.N. Bhattacharyya, Counsel

ORDER (ORAL)Per: Mr Tarun Shridhar, Member(A)

Applicant Jayanta Kumar Saha working as Safety-TI, Howrah seeks the following reliefs by virtue of this O.A.



- a) To issue direction upon the respondent to consider representation dated 20.10.2020 for regularisation for period from 10.05.2009 to 30.04.2010 spent for duty.
- b) To issue further direction upon the respondent to give the medical benefit from 10.07.2009 to 30.04.2010 as per rule 524 of IRMM to the applicant forthwith.
- c) Any other order or further order or orders as learned Tribunal deem fit and proper.
- d) To produce connected Departmental Record, at the time of hearing.

2. Briefly stated the facts are that the applicant remained absent from duty with effect from 10.07.2009 to 30.04.2010 on account of periodical medical re-examination. The period of absence got prolonged on account of assessment of his vision which was got tested from two private sources and thereafter verified through a Government medical facility. The applicant is aggrieved that this period has not been treated as the period spent on duty as per the provisions of Rule 524 of Indian Railway Medical Manual. As such he has been declared absent from duty. This has resulted non regularisation of this period for various purposes.

3. Since the applicant has already made a representation in this regard to the competent authority it would be in the fitness of justice to dispose of this O.A at this initial admission stage with a direction to the appropriate authority amongst the respondents to take a considered view on the claim made by the applicant in his representation, wherein he seeks regularisation of his period of absence from duty by treating it as the period of duty and dispose of the same within a period of 4

A handwritten signature is located at the bottom right of the page.

weeks from the date of receipt of a copy of this order. Respondents shall ensure that the representation is decided by way of a reasoned and speaking order and convey the decision to the applicant immediately thereafter.

O.A is accordingly disposed of. No order as to costs.



  
(Mr Tarun Shridhar)  
Member (A)

  
(Bidisha Banerjee)  
Member (J)