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(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD.

Registration No. 115 of 1986

Pahlu Ram vs. Union of India and others

Hon'ble S.Zaheer Hasan, Vice Chairman.

Hon'ble Ajay Johri, Member (A).

(Delivered by Hon. S.Zaheer Hasan, V.C.)

This is an application under Section 19 of the
Administrative Tribunals Act (No. 13 of 1986). Pahlu Ram

Applicant Pahlu Ram was appointed as Assistant
Pointsman on 18.1.1965. He was promoted to Grade 'B' and
ultimately he was confirmed in Grade 'A' as Pointsman on
5.9.1977. The pay-scale of Pointsman 'Grade 'A' was
Rs. 210-270, and the applicant was drawing a total salary
of Rs. 870/-. He was declared unfit because he was suffering
from 'schizophrenia'. So, on 6.12.1982 he was reverted as
Khalasi in the pay-scale of Rs. 196-232, and in this way
his total salary (Rs. 870/- which he was drawing in Grade 'A')
was reduced by Rs. 120/-. He got himself checked by some
doctors who reported that he was fit to resume duty from
21.6.1982. On 18.4.1983 the doctor also reported that he
was fit during last nine months. On 25.6.1983 the departmental
Doctor reported that the applicant was unfit for safety. As
already stated, his order of reversion is dated 6.12.1982.

In short, the applicant was working as Pointsman Grade 'A'. He was suffering from 'schizophrenia', and so, was found unfit from safety point of view. On 6.12.1982 he was reverted as Khalasi. There are lucid intervals as regards the illness 'schizophrenia', which has been defined as ' a form of mental disease in which the personality is disintegrated and detached from its involvement'. So, if a doctor examines a patient during lucid intervals, he might say that the patient is quite fit. The post of Pointsman is a very important one from safety point of view, and if the applicant has suffered from ailment of schizophrenia, it may not be safe to keep him as Pointsman. Therefore, his removal from the post of 'Pointsman' was quite justified. It remains to be seen whether the applicant could be provided with any alternate job, or his pay as 'Pointsman' Grade 'A' could be protected under any rule, as suggested by the learned counsel for the applicant. In the application the relief sought is as below:

" to quash the order of reversion dated 6.12.1985 and the applicant be taken back on the post of Pointsman 'A' and he should be treated as continuing on that post from 22.6.1982 and he should be allowed his pay along with all benefits from the aforesaid date till the date of his reinstatement."

It is further prayed that applicant's case may be referred to medical authorities for fresh check up. So far as this last prayer is concerned, there is no sense in sending the applicant for fresh check up in view of the nature of the ailment and the post on which the applicant was serving at that time. In this application there is no prayer that the applicant's pay

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R/XB

by search and probe amount
was reduced for he was not considered for alternate job.

At a late stage simply an application was given stating
therein that some alternate job be provided. It was orally
contended from the other side that a committee was appointed
which had considered the applicant's case from this angle.
There was no pleading on this point nor was there any
evidence to show that the applicant's case for alternate job
was considered or not considered. So, it is not possible to
say that the applicant's case for alternate job was not considered.

However, ~~but on the matter~~ in case applicant's case for
alternate job was not considered he can move the authority
concerned for providing him alternate job and protecting his
pay if the rules so permit.

With these observations the application is dismissed
with costs on parties.

August 29 1986.

R.P.

Vice Chairman.

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Member (A).