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(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD.

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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 Pointsmen on  
5.9.1977. The pay-scale of Pointsmen '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.

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27/2

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 <sup>drawn</sup> '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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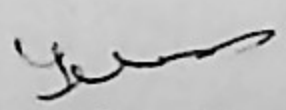
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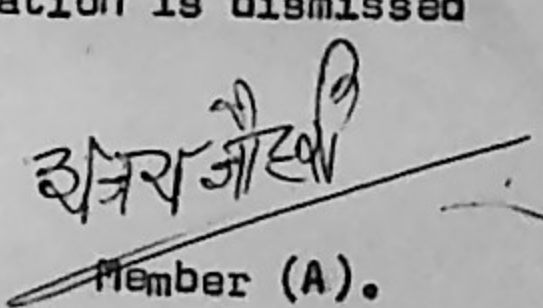
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by such and such amount  
 was reduced for he was not considered for alternate job.  
 At a late stage simply an application was given stating  
 therein that some alternate job be provided. It was orally  
 contended from the other side that a committee 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, ~~he cut the matter short~~ 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<sup>15</sup> 1986.  
R.Pr.

  
 Vice Chairman.

  
 Member (A).