

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Transfer Application No. 1481 of 1987

Mohd. Siddiqui Applicant
Versus
Union of India and Others Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. K. Chayya, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C)

On 7.2.77 the applicant was driving the 104 DN Kathgodam to Bareilly passenger train, the train collided with another train in the catch siding of the Station and consequently the train was derailed. The accident resulted in fatal injuries to three passengers and the applicant also received serious injuries for which he was hospitalised for six months. Earlier the applicant's services were terminated but later on the said order was withdrawn. That on 21.7.77 the Medical Supdt, North Eastern Railway declared the applicant fit for duty and the applicant received a letter on 22.21.3.78 from the Divisional Supdt, offering him alternative employment as a cleaner at the pay scale of Rs.200-250. The applicant refused to

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accept the said job and made a representation. Of course, the respondents could have offered him much more but it appears that it has not been done. In the meantime, the applicant thereafter on the ground of medically fit made representation. Notwithstanding the above finding applicant's representation on the offer of alternative appointment the applicant was served with a letter dated 8.5.78 terminating his service with retrospective effect from 2.5.78. The applicant was also served with a show cause notice of the same date Under Rules 1968, requesting him to make representation on the proposed penalty of compulsory retirement. Of course the respondents could have offered him much more but it appears that it has not been done and in the meantime the applicant has been retired compulsorily on the ground of medically unfitness and this order was also challenged in this application. Even if it could be said that the alternative appointment is given is inadequate, but no effective relief can be granted to the applicant. The applicant again made a representation that the alternative appointment offered to him is not in accordance with the rule as his salary has been substantially reduced but no action on the same was taken. In these circumstances, this application deserves to be dismissed. But the heir and legal representatives

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are entitled to pensionary benefits incase the same shall not be paid and the same shall be paid within three months but with the interest at the rate of 10 per cent upto the date of payment. Incase the heir and legal representative applies for getting compassionate appointment, the Railway Administration shall consider their case favourably and sympathetically.

2. With these observations, this application is disposed off finally. No order as to the costs.


MEMBER (A)

VICE CHAIRMAN

Dated: 23rd Nov: 1992

(Uv)