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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH.

O.A. No. 522 of 1988.

Ramesh Chandra Applicant.

Versus

Divisional Railway Manager Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

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

The applicant was engaged as a Khalasi in Jhansi Division of Central Railway and while he was working as Senior C & W Khalasi in Down Yard at Agra Cantt. on 28.6.86, he met with an accident and an iron piece flashed and perforated in the right eye of the applicant. The applicant was hospitalised and ultimately he was sent to Bombay Hospital where he was operated upon which resulted in complete extinction of right eye and its vision. The applicant, on being declared fit, was sent back to the respondent's Office where he was subjected to screening by the Committee for alternative appointment. Thereafter, the applicant was declared fit in C-1 on 16.12.86 and he was directed for his posting at Bad as peon. The applicant's grievance is that he should not have been posted at Bad because of his serious accident in which his right eye was lost and instead of posting the applicant at Agra, another person, who came from Bad, was posted at Agra. His salary was also not paid for which he is entitled that is why the applicant approached the tribunal praying that

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the respondent may be directed to post him as Khalasi or peon at Agra and further to pay the wages of the applicant for the period from 16.12.86 to 1.8.87 giving full protection of mandatory provisions of Indian Railway Establishment Manual. The respondent has opposed the claim of the applicant stating that the applicant was awarded compensation to the tune of Rs.31,282-50P on account of accident. As there was no vacant post of peon at Agra, he was posted at Bad. So far as the salary is concerned, it has been stated that the same has been paid to him. As the applicant had been accepted to C-1 category, he was directed for his posting at Bad. The respondent has stated that no vacancy was available at Agra that is why the applicant was posted at Bad. Taking into the present position, the respondent is directed to reconsider the case of the applicant for posting him at Agra. Let it be done within a period of three months from the date of communication of this order. The applicant is also entitled to get full emoluments for the period from 16.12.86 to 1.8.87 because of the injury suffered by the applicant during the course of employment. With these observations, the application is disposed of without any order as to costs.

R. V. B. B. P.
MEMBER (A)

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VICE CHAIRMAN.

Dated: April 21, 1992
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