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Central Administrative Tribunal, Allahabad.

Registration O.A.No.116 of 1988

Ghanshyam Singh ... Applicant

Vs.

Union of India and others ... Respondents.

Hon. Justice A. Banerji, C(J)  
Hon. Ajay Johri, AM

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By this application u/s.19 of the Administrative Tribunals Act XIII of 1985, the applicant who was working as a casual labour at Hathras station and worked as such from 18.1.1980 to 29.12.1984 and thereafter worked under the Divisional Engineer, Aligarh w.e.f. 3.1.1985 to 19.3.1985, has requested for issue of a direction to the respondents to consider him for regularization in Group C-1 category after holding a medical examination as was done in the case of one Ram Gopal Singh who was similarly placed. According to the applicant, he had been sent for medical examination in B-1 category but he failed in the same. Thereafter he requested for a medical examination for a lower category but he was not allowed to be sent for the same on the ground that he had not completed 6 years of service and the extant orders permitted regularization for a lower medical category in the case of only such casual labourers who had done more than 6 years of service. The applicant's ground for approaching this Tribunal is that another person, namely, Ram Gopal Singh <sup>who</sup> had not done 6 years service, was allowed to be tested for lower category by special relaxation whereas he was not allowed. Therefore, he requests for parity with the said Ram Gopal Sharma's case.

2. We have heard learned counsel for the parties and we have also seen the reply filed by Sri N.K. Varma learned counsel for the respondents. According to the



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respondents, a special relaxation was granted to Ram Gopal Singh by the Divisional Railway Manager (for short DRM) under his own powers. In paragraph 12 of the reply, the respondents have stated that according to the Railway Board's instructions, such relaxation was only admissible to those casual labourers who are either Scheduled Caste or Scheduled Tribes or in case of general candidates, with a maximum of 6 years service and who are included in the panel. The original file dealing with the transfer of class IV staff in the T.R. Department was produced before us and we have seen the notings on page 105 where the applicant's representation was dealt with by the respondents. The request of the applicant was rejected by the A.D.R.M on 23.9.1985 with the remarks that the case is not covered under the rules, therefore, the question of sending him to lower medical classification did not arise. We feel that if the DRM had exercised his discretion in the case of Ram Gopal Singh, he should also examine <sup>the circumstances</sup> ~~the stand~~ of the applicant and see whether he can also be granted the same relaxation and sent for a lower category medical examination now. He has already been brought <sup>on</sup> ~~under~~ a panel for regularization.

3. We, therefore, direct the DRM to consider the case of the applicant for being sent for lower category medical examination and proceed thereafter in accordance with law. The original application is disposed of in the above terms at the admission stage.

अजय जोषी

MEMBER (A)

Dated.22.12.1988  
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CHAIRMAN (J)