

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 22nd day of August, 2000

Original Application No. 1065 of 1992

District : : Gorakhpur

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Biswas, A.M.

Sri Baboo Lal Son of Sri Ram Pat

Resident of Village Sihapar (South)

Post Office Sahjanawa, District-

Gorakhpur.

(Sri Ashok Khare, Advocate)

..... Applicant

Versus

1. Union of India,

Through its Secretary, Ministry of Railways,

Rail Bhawan, New Delhi.

2. General Manager,

North East Railway, Gorakhpur.

3. General Manager (Mechanical),

North East Railway, Gorakhpur.

4. Chief Workshop Manager (Personnel),

Loco Workshop, North East Railway,

Gorakhpur.

(Sri D.C. Saxena, Advocate)

..... Respondents



ORDER (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to the respondents to provide to the applicant some suitable job, after decategorisation, in any Class III post. The next relief sought is that respondents may treat the applicant as Class III employee and pay him salary since 7-5-1991.

2. The facts of the case are that the applicant joined Railway initially as casual labour in 1978. On 28-1-1981, he was appointed on ad hoc basis as Khalasi under the Deputy Controller of Stores. On 3-11-1988 the applicant was appointed as Skilled Carpenter Grade III in the pay scale of Rs.950-1500/- in Loco Workshop, Eastern Railway, Gorakhpur. While discharging duties as Carpenter, he suffered injury in the right eye on 4-2-1990. The applicant was hospitalised and he remained in hospital from 04-2-1990 to 21-3-1990. As there was no improvement in his condition, he was referred to Medical College, Gorakhpur where he remained for treatment upto 23-3-1990 to 09-4-1990. After treatment the applicant was medically examined and it was found that his medical fitness is of C-II Category. Under rule, the applicant was offered the post of Carpenter Grade III. It is the case of the applicant that though he was given Medical Category C-II, he was asked to work on the post of Skilled Carpenter Grade III, which comes under medical fitness of Category C-I. The applicant continued to work as Skilled Carpenter Grade III upto 6-5-1991 where he found it difficult to work on the said post on account of injury in his eye. The applicant represented before the authorities for suitable

alternative post. After a long persuasion by order dated 26-2-1996, the applicant was approved for being posted as Junior Clerk in the scale of Rs.950-1500. The applicant is presently serving on the said post.

3. The grievance of the applicant hence now ^{is} ~~now~~ confined to payment of salary from 7-5-1991 to the date when he joined as Junior Clerk under the order dated 26-2-1996.

4. We have heard counsel for the parties on this issue. In para 12 of the counter affidavit, it has been alleged that the applicant did not cooperate and failed to present himself before the Doctor for medical examination. On the other hand the applicant has placed various letters and applications through which he was pursuing the authorities for providing suitable job. In our opinion, such contentious issue should be decided first by the departmental authorities by a reasoned order then only this Tribunal shall be in a position to find out the correct position. For the purpose, it becomes necessary that the matter be sent back to the Railway authorities to pass an order as to whether the applicant is entitled for salary for the period 07-5-1991 ^{to 26/2/1996,} and if he is found entitled for salary, then what ~~was the~~ extent.

5. For the reasons stated above, this application is disposed of ^{finally} ~~initially~~ with a direction to the Chief Workshop Manager, respondent no.4 to consider the claim of the applicant for payment of salary. The applicant shall file a representation alongwith a copy of this order and also material in support of his claim. Respondent no.4, thereafter after giving



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opportunity to the applicant may pass a reasoned order within a period of three months from the date a copy of this order is filed before them. There shall be no order as to costs.

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Member (A)

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Vice Chairman

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