

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 5th day of March 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O.A. No. 1869 of 1993.

Jagannath s/o Sri Ram Prasad r/o Budhaiyapur, Mazre Korai,
Tehsil Patehpur, Distt. Fatehpur.. Applicant.

Counsel for applicant : Sri S. Dwivedi.

Versus

1. Union of India through General Manager, Northern Railway,
Baroda House, New Delhi.

2. The Assistant Engineer(I), Northern Railway, Allahabad.

3. Divisional Railway Manager, Northern Railway, Allahabad.

..... Respondents.

Counsel for respondents : Sri P. Mathur.

O R D E R (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for grant of alternative appointment to the applicant on any post in the same category except on the post of Gangman with all benefit w.e.f. 7.4.1993.

2. The case of the applicant is that he was appointed on the permanent post in substantive vacancy of Gangman in Northern Railway, Fatehpur and was transferred under PWI, Bharwari on 13.2.89. He was hurt on duty on 13.2.92 and was sick under Divisional Medical Officer, N.R., Allahabad w.e.f. 13.4.92 to 13.7.92. He filed memo of fitness of 13.7.92 in which he was declared unfit for the post of Gangman but was declared fit for other posts in the same category. It is claimed that the respondents did not make any effort to give appointment to the applicant. It is also claimed that PWI, N.R., Bharwari, who is not appointing authority of the applicant, discharged the services of applicant on 14.4.93. It is claimed that there are several posts available on

which the applicant could have been accommodated. His representation also went unheeded.

3. The respondents have filed Counter in which they have denied that the applicant was appointed on the permanent post of Gangman in a substantive vacancy. They have stated that the applicant was appointed as casual labour and granted temporary status w.e.f. 1.1.85. They have also denied that the applicant was injured on duty and have mentioned that he was injured in his own house while operating a thresher. It is also mentioned that the applicant was declared unfit for the post of Gangman and fit for a job which can be done by a right hand. It is also claimed that no other job was available in the subdivision and division and, therefore, he was discharged from service under the rule. It is also stated that the applicant was discharged from service with full benefits as a retired employee.

4. We have heard the counsel for the applicant and counsel for the respondents.

5. Counsel for the applicant contest the fact that the applicant was granted full benefits. On a query made by us, the counsel for respondents stated that the applicant gets invalid pension also along with other benefits admissible to him under the rules. The counsel for applicant contests this fact.

6. We are not convinced that the applicant is under the circumstances stated entitled to the relief claimed. However, in case he is not getting the benefits admissible under the rules, he may approach the respondents by giving specific benefits not yet made available to the applicant ~~sort~~^{short} of employment on ground of invalidity. The respondents shall consider the representation of the applicant and pass a reasoned and speaking order within three months from

[Signature]

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the date of receipt of any such representation. The
O.A. stands disposed of with the above direction.

There shall be no order as to costs.



J.M.



A.M.

Asthana/
6.3.02