

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the day 23rd February, 1995.

ORIGINAL APPLICATION NO. 1903 OF 1994.

Algo Ram, S/o Sri Budhai,  
R/o Village Sarai Taluka, Sahabpur,  
Post Dahiwala, District-Allahabad,  
Ex-gate keeper under Railway Path Nirikshak,  
P.W.I. LNK Gate No. 32, District-Kapoorthala,  
Punjab.

.... Applicant.

By Advocate Sri D.P. Singh.

Versus

1. Union of India through General Manager,

Northern Railway,

New Delhi.

2. The General Manager,

Northern Railway,

New Delhi.

3. The Divisional Railway Manager,

Northern Railway,

Firozpur.

4. The Rail Path Nirikshak (P.W.I.)

Loiya Khas, District-Jullundhar,

Punjab.

..... Respondents.

CORAM: Hon'ble Mr. S. Das Gupta, MEMBER (A)

Hon'ble Mr. T.L. Verma, MEMBER (J)

O R D E R (URAL)

By Hon'ble Mr. S. Das Gupta, MEMBER (A)

W.C.

1. Heard Sri D.P. Singh learned Counsel for the applicant on admission. The applicant's case is that he failed in vision test and, therefore, he was offered alternative employment as ~~loading~~ Porter. He claims to ~~have~~ <sup>be</sup> represented to the concerned authorities for being offered a suitable employment in the same scale of pay but it is stated to have been turned down orally.

2. The relevant rules contended in para 1301 of the Indian Railway Establishment Manual, states that a person who has failed in vision test or ~~is~~ is otherwise medically incapacitated for the post, he may be offered a suitable employment on reasonable emoluments, keeping in view, the emoluments drawn by him in his original post. The suitability or otherwise of the post offered has to be determined by the concerned authorities. <sup>However, the</sup> ~~However, the~~ <sup>rule</sup> ~~rule~~ <sup>is</sup> ~~is~~ <sup>that</sup> ~~that~~ <sup>employment in the same pay scale has to be offered.</sup> ~~employment in the same pay scale has to be offered.~~

3. In view of this, we find that no case has been made out for us to interfere. However, the applicant may make an appropriate representations to the respondents for being offered a suitable employment and in case such a representation is made by the applicant, it would be just and fair the part of the respondents to pass a reasoned order thereon within a period of three months from the date of the receipt of the same.

4. With this observations, the application is disposed of at the admission stage. No order as to costs.

*Thakur*  
MEMBER (D)

*LR*  
MEMBER (A)

ALLAHABAD: DATED: 23.2.1995

PMV

*W.L.*