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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Allahabad this the....17<sup>th</sup> November 1994.

Original application no. 331 of 1994.

Hon'ble Mr. T.L. Verma, J.M.

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

Chaman Singh S/o Sri Mohan Singh,  
R/o Village Fatehullahpur,  
Post Mejampur Narayan,  
District- Bijnor.

Applicant.

By Advocate Sri R.K. Asthana.

Versus

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

2. Division Railway Manager,  
Moradabad.

By Advocate Sri.....

( O R D E R )

By Hon'ble Mr. K. Muthukumar, A.M.

1. The applicant in this case is permanent token Porter at Fazalpur Station of the Moradabad Division of the Northern Railway. According to the averments made in the application, he met with an accident and was seriously injured. He was hospitalised from 11.9.1992 and 27.3.1993 and after treatment, medical authorities advised him to be fit/alleges that despite his efforts to get the appointment with the light duties

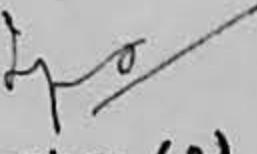
with the Station Master , Traffic Inspector and the Division Railway Manager of the Moradabad, he was not offered light duties. He alleges that he is physically incapable of performing the duties of a Token Porter and his request for appropriate alternative appointment has not been conceded to, although the statutory provisions of the Indian Railway Establishment Manual provide for such alternative appointment. Aggrieved by his failure to get suitable alternative employment, the applicant has approached this Tribunal with a prayer to issue a direction to the respondents to provide alternative appointment giving him full protection of pay including backwages from May 1993 on wards.

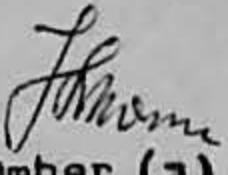
2. We find from the medical report of the Senior Medical Superintendent Incharge of the Northern Railway at Moradabad that the applicant was recommended for light duties for two months before he/ declared medically fit for his duty on/ original post. The applicant has apparently not got himself physically examined with the appropriate hospital for his fitness to join his duties at the original post after the expiry / of the period of two months i.e, from 11th May 1992. Instead the applicant has obtained the certificate from the Chief Medical Officer, Bijnor, that he is permanently physically handicapped person. In terms of the Provisions of the Chapter 13 of the Indian Railway Establishment Manual Volume I containing the provisions for absorption of medically incapacitated staff in alternative employment, the Railway Servants have to declared medically unfit by the Railways for being considered for alternative employment. In the case of the applicant, we find that he has not produced any material or evidence

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of the Railways declaring him medically unfit the post he was holding and, therefore, no violation of the statutory provisions for providing alternative employment to the applicant has been made out in the application. Merely on the basis of a certificate obtained from some other source will not confer any right on the applicant to avail himself of the statutory provisions for alternative employment.

3. In the light of the above discussion, we find no merit in this application. Hence the application is dismissed at the admission stage. No order as to costs.

  
Member (A)

  
Member (J)

Allahabad: Dated 17.11.84  
am/