

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 30th day of April 2002.

Original Application no. 888 of 1995.

Hon'ble Mr. C.S. Chadha, Administrative Member  
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Syed Qzair Ahmad, S/o Syed Mohiuddin Ahmad,  
R/o B-1225, G.T.B. Nagar, Allahabad.

... Applicant

By Adv : Sri S. Agarwal

Versus

1. Union of India, through General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. Divisional Railway Manager,  
Allahabad Northern Railway,  
Allahabad.
3. Senior Divisional Personnel Officer,  
Northern Railway, Allahabad.

... Respondents

By Adv : Sri A.C. Mishra

ORDER

Hon'ble Mr. C.S. Chadha, Member (A).

The case of the applicant is that he was working as Asstt. Yard Master when he was medically decategorised due to declining<sup>ing</sup> eye sight standard.

2. The case of the applicant is that on medical decategorisation, the Railways must provide him, as far as possible, ~~the~~ a post in the same grade where lesser level of physical fitness is required and if no such post is available he may be offered a next



...2/-



2.

lower post with the option of being offered a higher post whenever such vacancies arise. His contention mainly is that he was posted after physical decategorisation to the post of Head Coaching Clerk replacing the former incumbent Sri Z.U. Ahmad and offered the scale of Rs. 1400-2300, whereas Sri Z.U. <sup>Ar. Ahmad</sup> ~~Ar. Ahmad~~ was holding that post in the grade of Rs. 1600-2660 by virtue of upgradation. On 30.10.2001 this Tribunal gave an opportunity to the respondents to give clear reply to para 5 of the rejoinder affidavit in which this averment has been made, specifically, about the drawal of Rs. 1600-2660 by Sri Z.U. Ahmad as well as deliberate provision of the benefit to Sri S.T. Masood who was junior to the applicant.

3. In their suppl. counter affidavit, regarding para 5 of the rejoinder affidavit the respondents have mentioned details about Sri S.T. Masood's appointment to a higher grade but have not given any reply to the specific allegation that Sri Z.U. Ahmad was being given the higher grade of Rs. 1600-2660 in the same place where the applicant was offered Rs. 1400-2300. Learned counsel for the respondents states that the post of Sri Z.U. Ahmad was not upgraded but Sri Z.U. Ahmad was personally upgraded to that scale. However, the suppl. counter affidavit is silent on this issue and gives no specific reasons why Sri Z.U. Ahmad was upgraded, even though personally. We feel that if Sri Z.U. Ahmad could be upgraded in the post of Head Coaching Clerk and the same benefit should have also been offered to the applicant.

4. As regards Sri Masood who was junior to the applicant it has been averred by the respondents that he was declared fit for the post which he held as Traffic Inspector. However, the respondents vide SRA III have shown that Sri S.T. Masood

*Ar. Ahmad*

...3/-



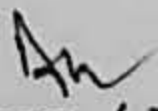
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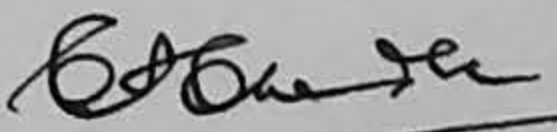
3.

himself in application dated 29.11.1994 stressed that he had been found unfit for the post of Traffic Inspector and rather that he be given the post of Catering Inspector/Manager. Although, the learned counsel for the applicant states that Sri S.T. Masood was found fit in his own category and that he was appointed to the post of Traffic Inspector for which he was found fit the record shows otherwise. However, even if the respondents have granted this benefit to Sri Masood, not granting the benefit earlier granted to Sri Z.U. Ahmad on the post of Head Coaching Clerk has not been suitably explained by the respondents. In terms of Railway Board's order, as far as possible, the decategorised person should be offered a post in the same grade and even if temporary granted a lower post, a higher post if any should be offered as soon as possible, within the next three years. Obviously, since Sri A.U. Ahmad could be upgraded to the scale of Rs. 1600-2660 as Head Coaching Clerk so could be the applicant. We see no reason, which has been explained satisfactorily, why the respondents should not be granted the benefit granted earlier to Sri Z.U. Ahmad as Head Coaching Clerk and later also to Sri S.T. Masood, as Traffic Inspector, a post for which he himself admitted to being unfit for.

5. The O.A. is, therefore, allowed. We direct the respondents to grant the grade of Rs. 1600-2660 as granted to Sri Z.U. Ahmad in the post of Head Coaching Clerk w.e.f. the dated he was posted in the grade of Rs. 1400-2300. The OA is decided accordingly.

6. There shall be no order as to costs.

  
Member (J)

  
Member (A)

/pc/