

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 13TH DAY OF MARCH, 2002

Original Application No. 142 of 2002

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Jokhu Ram, son of Mangru
R/o village Sidhwar, P.O.Dandwar
Khurd, district Maharajganj, U.P.

... Applicant

(By Adv: Shri S.K.Srivastava)

Versus

1. Union of India through the General Manager, N.E.Railway, Gorakhpur.
2. Divisional Railway Manager, N.E.Railway Lucknow.
3. Station Superintendent, Campierganj Gorakhpur.
4. Divisional Engineer, N.E.Railway Lucknow.

... Respondents

(By Adv: Shri K.P.Singh)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 the applicant has prayed for a direction to the respondents to take work of Peon or Waiting Room Behra or Token Porter instead of the work of Chowkidar after transferring him from Gonda Railway station to Anand Nagar Railway station or Campierganj Railway station or Gorakhpur Railway station. Applicant has also prayed that the respondents be directed to pay salary from the month of August 2001 till date.

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The facts of the case are that the applicant was serving as Gate man in the Railways since 7.5.1970. On 1.6.1997 the applicant suffered injury and lost his fingers of left hand. The applicant became invalid and he has been given alternative job of Chowkidar in place of Gate man. Dis-satisfied with the same the applicant filed OA No.1498/2000 before this Tribunal which was disposed of finally by order dated 12.1.2001 that applicant may pursue the matter with the respondents and ^{they} may decide the matter sympathetically. It appears that applicant filed representation which has been disposed of by the impugned order dated 25.4.2001. The order says that considering the ^{physical} incapacity of the applicant he has been given the post of Chowkidar. It has also been stated that the posting of the applicant as prayed in the representation is not possible at present. However, in future ^{if} a post of Chowkidar falls vacant in Anand Nagar or in any adjoining place, he may give application again and it shall be considered afresh. In these circumstances, the matter has not been closed, the request of the applicant could not be granted as the vacancy was not there. However, there ~~falls~~ ^{no} any vacancy he may apply before the respondents. So far as the second direction for payment of salary from August 2001 is concerned, applicant did not pray this before the respondents in his representation. From the material available on the record we do not find any reason on which basis the salary of the applicant may not have been paid. In the circumstances, we dispense of this OA with the liberty to the applicant to make a representation before respondent no.2, D.R.M., N.E.Railway Lucknow for payment of salary which may be due to him which shall be considered and decided within two months from the date a copy of the order is filed before him. However, there will be no

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order as to costs.

MEMBER (A)

VICE CHAIRMAN

Dated: 13th march, 2002

UV/