

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 05th day of October, 2004.

Original Application No. 1254 of 2003.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Member- A.

M.M. Jha, Electrical Driver (Goods),
(Medically decategorised), NCR,
under Sr. DEE/RSO, NCR, Allahabad.

.....Applicant

Counsel for the applicant :- Sri K.S. Saxena

V E R S U S

1. The Union of India through General Manager,
NCR, Allahabad.
2. The Divisional Railway Manager,
NCR, Nawab Yusuf Road, Allahabad.
3. The Senior Divisional Electrical Engineer (RSO),
NCR, Allahabad.

.....Respondents

Counsel for the respondents :- Sri Gyan Prakash.

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

This O.A is directed against charge-memo SF-5 dated
03.02.2003 issued against the applicant.

2. It is not disputed that while working as Electrical Driver (Goods), Allahabad, the applicant was sent to Chief Medical Superintendent, NCR (the then Northern Railway), Allahabad for vision test and physical fitness as per rules. After medical check-up, the applicant was declared unfit for running category on 01.05.2001 by the then Chief Medical Superintendent, Northern Railway, Allahabad. However, according to CA the applicant was kept on a supernumerary post in the

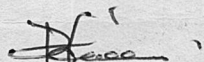
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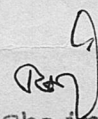
same grade and pay till further absorption of alternative employment and his case was put up before the screening committee for screening. It appears that screening committee met on 11.09.2002 and decategorised the applicant but was found suitable for the job of Traction Loco Controller (TLC) temporarily and provisionally in terms of PS No. 11528 and Railway Board's letter No. E(NG)1/2000/RE/3151. It appears that despite repeated information, the applicant did not report for duty and accordingly the impugned charge-memo has been issued for the alleged mis-conduct of unauthorised absence w.e.f 17.09.2002.

3. It has been submitted by the learned counsel appearing for the applicant that the applicant was not at all given so-called alternative appointment for the appointment in the same pay and grade and, therefore, the applicant was not obliged to join the duty pursuant to the so-called alternative appointment.

4. Having heard counsel for the parties we do not find any good ground for interference with the charge-memo. The O.A is, therefore, dismissed without prejudice the right of the applicant to submit his reply to the charge-memo. In case the reply is filed within 15 days, the same shall be taken into account by the enquiry officer and dealt with in accordance with law.

5. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/