

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.594 of 2003

Wednesday, this the 30th day of July, 2003

Hon'ble Mr. Justice R.R.K.Trivedi, V.C.

Hon'ble Mr. D.R. Tiwari, A.M.

Hardwari Lal
aged about 53 years,
Son of Late Ram Swaroop,
Resident of T/73-A
Loco Shed Railway Colony,
Moradabad.

- Applicant.

(By Advocate : Shri T.S.Panday)

Versus

1. Union of India,
through General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Moradabad Division,
Moradabad.
3. Divisional Manager Operating,
Northern Railway, Moradabad Division,
Moradabad.

- Respondents.

(By Advocate : Shri P. Mathur)

ORDER (ORAL)

By Hon'ble Mr. Justice R.R.K.Trivedi, V.C. :

By this OA filed under Section 19 of A.T. Act, 1985,
the applicant has prayed for a direction to respondents to

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allow the applicant to carry on his duty as Mail Express Guard as he was carrying duty prior to 6.8.2002.

2. The facts of the case are that the applicant was serving in Northern Railway as Mail Express Guard. It is the case of the applicant that the medical examination was carried on 6.8.2002. The applicant was advised by the Doctor to under-go an operation for cataract of his eyes. It is submitted by the applicant's counsel that on advise given by doctor, applicant had under gone operation of his eyes. After the operation, ~~the~~ eyesight of applicant found by doctor was 6/9 without glasses.

3. The grievance of the applicant is that he has not been declared medically unfit by the doctor, but he was advised to fill the medical form -5. It is also stated that in similar circumstances another guard namely Shri U.K.Mishra has been permitted to discharge the duty as Guard. It is submitted that the applicant has been discriminated.

4. Before coming to this Tribunal the applicant filed a representation before Chief Medical Superintendent (Annexure-5) and prayed to allow him to carry on his duty as Mail Express Guard. The applicant has claimed the reliefs in this OA from Divisional Railway Manager and Divisional Manger Operating i.e. respondent No.2 & 3. The applicant has not filed any representation before above authorities.

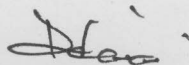
5. In the circumstances, in our opinion, this OA may be disposed of with liberty to the applicant to file a representation before respondent No.2 which may consider and decide it in accordance with law within a specified time.

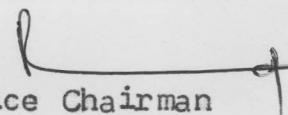


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6. The OA is disposed of finally with liberty to the applicant to file a representation before respondent No.2 within a period of 10 days. If the representation is so filed, shall be considered and decided by respondent No.2 by a reasoned and detailed order within two months from the date of copy of this order alongwith representation is filed. There shall be no order as to costs.

7. Copy of the order shall be given counsel for the parties within three days.


Member-A


Vice Chairman

RKM/