

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No. 1061 of 2003

Thursday, this the 11th day of September, 2003

Hon'ble Maj. Gen. K.K.Srivastava, A.M.
Hon'ble Mr. A.K.Bhatnagar, J.M.

Vipin Kumar Prajapati,
Son of Shri Janai Ram Prajapati,
Resident of Near Power House,
Lalganj Azamgarh.

.... Applicant.

(By Advocate : Shri Sudama Ram)

Versus

1. Union of India, through Secretary, Ministry of Railways, Railway Board, Rail Bhawan, New Delhi.

2. General Manager North Central Railway Headquarters Office, Allahabad-I.

3. Divisional Railway Manager, North Central Railway Divisional Railway Manager's Office, Allahabad.

.... Respondents.

(By Advocate : Shri A.K.Gaur)

ORDER (ORAL)

By Hon'ble Maj. Gen. K.K.Srivastava, A.M. :

In this OA filed under Section 19 of A.T. Act, 1985, the applicant has prayed for a direction to respondent No. 2

....2.

to consider the case of the applicant for an alternative post in an equivalent grade and in case the vacancy is not available in an equivalent grade, to consider the case of the applicant of alternative appointment in lower group 'C' post according to his educational qualifications and medical standard.

2. The facts, in short, are that the applicant was selected for the post of Assistant Station Master in the Grade Rs. 4500-7000, vide order dated 9.4.2002 (Annexure-A-I). The applicant was declared medically unfit on 3.7.2002. The applicant represented to Divisional Railway Manager, North Central Railway, Allahabad vide his application dated 23.7.2002 with the fitness certificate issued by Chief Medical Superintendent, District Hospital, Azamgarh dated 22.7.2002. The Divisional Railway Manager, vide his letter dated 14.8.2002, directed the applicant to send the three pass-port size photographs so that the applicant may appear in medical examination, in A-3 and below, be got done. In the re-medical examination conducted by Senior Divisional Medical Officer, Allahabad, the applicant was found fit in B-2 and below vide ~~fitness~~ certificate dated 20.8.2002.

3. The applicant filed a representation dated 30.9.2002 followed by another representation dated 19.12.2002 to consider his case for alternative appointment. Since no decision was taken, he filed another representation on 10.7.2003 (Annexure-A-9). The representations of the applicant remain undecided and, therefore, the applicant filed this OA.

4. Shri Sudama Ram, learned counsel for the applicant submitted that the instructions of the Railway Board do exist for considering the case of the applicant for alternative appointment. The learned counsel further submitted that a similar controversy has been decided by this Tribunal on 16.2.2000 in the case of Amarjeet Singh Vs. Union of India & ors. in OA No.1170/1991.

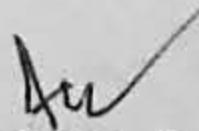
5. Resisting the claim of the applicant, the learned counsel for the respondents submitted that the Railway Board Circular, cited by the applicant and also the case law relied upon, are not applicable in the case of the applicant.

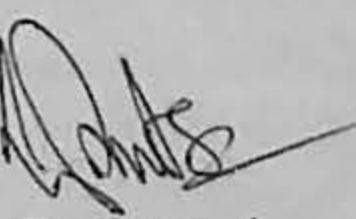
6. We have heard the counsel for the parties, considered their submissions and perused the records.

7. In our opinion, the interest of justice shall better be served, if the direction is issued to the respondents to decide the representation of the applicant dated 10.7.2003 (Annexure-A-9) by a detailed and reasoned order within a specified time.

8. In view of the aforesaid, we direct the respondents to get the representation of the applicant dated 10.7.2003, decided by Competent Authority, by a reasoned and speaking order within three months from the date of receipt of a copy of this order.

9. With the above direction, the OA is disposed of at the admission stage itself with no order as to costs.


Member-J


Member-A

RKM/