

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. /550/93
T.A. No.

DATE OF DECISION 4-3-1994

Madansing Sultansing Petitioner

Mr.D.K.Mehta Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Mr.B.R.Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B.Patel : Vice Chairman

The Hon'ble Mr. K.Ramamoorthy : Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement
4. Whether it needs to be circulated to other Benches of the Tribunal

Madamsing Sultansing
Gangman, C/o Vikrambhai
Patel, Bhatwada, Bhandu,
Dist. Mehsana

Applicant.

Advocate Mr. D.K. Mehta

Versus

1. The Union of India
Notice to be served through
The General Manager,
Western Railway, Churchgate,
Bombay.
2. The Divisional Railway Mnager,
(E), Western Railway, Rajkot Division
Kothi Compound, Rajkot.

3. The Chief Medical Superintendent
Western Railway Division, Rajkot.

Respondents

Advocate Mr. B.R. Kyada.

ORAL JUDGEMENT

In

O.A. 550 of 1993

Date: 4-3-1994.

Per Hon'ble Shri N.B Patel


Vice Chairman.


The applicant, who is stated to have sustained a fall and consequent disability while performing his duty, has stated that the disability ~~had~~ still lingered ~~as such~~ as to render him unfit for any arduous work and the administration should, therefore, be directed to provide him with some


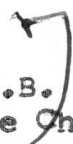


alternative light job. Mr Kyada is right ^{in submitting} ~~to submit~~ that this Tribunal cannot straightaway direct the Railway Administration to provide light job to the applicant, especially in the facts of this case where, according to Mr. Kyada, there is material to show that the applicant was medically certified to be fit for resuming the same job which he was doing earlier. However, there is absolutely no question of this Tribunal ^{straightaway} considering the issuance of any direction to provide light job to the applicant since Mr. Mehta states that the applicant will be satisfied, if the respondents are directed to send up the applicant for fresh medical examination to assess whether he is fit to do the same work which he was earlier doing or he could perform only ^{some} ~~the~~ light job. Mr. Mehta states that if the respondents are directed to treat the present application of the applicant as a fresh representation for providing him lighter job if the medical authorities certify to that effect, the applicant will be satisfied. It appears that the last medical examination of the applicant was done on 16-7-1993 or 17-7-1993 or thereabout. It is possible that the disability suffered by the applicant ^{has} ~~might have~~ recurred or deteriorated in the meantime. In the circumstances we find the small request made by Mr. Mehta, on behalf of the applicant, to be quite reasonable. We, therefore, direct the respondents to treat the present application of the applicant as a fresh representation for providing him light job and also direct them to

send the applicant for assessment of disability, if any, which he may ~~be~~ ^{be} still suffering and the nature of that disability and whether ^{the} disability, if any, makes him unfit for his present job and requires his claim for light job to be seriously considered. If necessary, the respondents may consider the question of decategorisation of the applicant, in the event of it being found that the applicant is physically ^{not} fit to perform his present duties. It was submitted by Mr. Kyada that the medical examination, if any, must be ordered to be made at the cost of the applicant. We, however, think that an employee like the applicant should not be made to bear such costs. Therefore, we reject the request made in that behalf by Mr. Kyada. It will be for the respondents to decide to send up the applicant to the Medical Board or to ~~the~~ ^{any} competent ~~officer~~ ^{orthopaedic surgeon} for examination. Copy of the O.A. may be sent by the applicant to the respondents within a period of seven days from today with a copy of this order. The representation of the applicant shall be decided within a period of four weeks after the receipt of a copy of the O.A. by the respondents.

2. In view of the above directions issued to the respondents, Mr. Mehta seeks permission to withdraw the present application. Permission granted. O.A. stands disposed of as withdrawn. No order as to costs.


(K. Ramamoorthy)
Member (A)


(N.B. Patel)
Vice Chairman

Date	Office Report	ORDER
2-7-94		<p data-bbox="613 459 1555 631">Adjourned to tomorrow, i.e., 26-7-1994, at the request of Mr. Kyada, who undertakes to serve a copy of the M.A to Mr. D.K. Mehta.</p> <div data-bbox="613 631 938 816"> (V. Radhakrishnan) Member(A)</div> <div data-bbox="1203 674 1463 816"> (N.B. Patel) Vice Chairman</div> <p data-bbox="613 859 691 888">vtc.</p>
26-7-94		<p data-bbox="613 959 1533 1273">Heard Mr. Kyada. Mr. D.K. Mehta is not present. M.A. allowed. Time to comply with the directions in the judgment is extended till 20th August, 1994. No further extension will be given. M.A. stands disposed of accordingly.</p> <div data-bbox="613 1302 938 1487"> (V. Radhakrishnan) Member(A)</div> <div data-bbox="1235 1359 1487 1502"> (N.B. Patel) Vice Chairman</div> <p data-bbox="613 1530 691 1573">vtc.</p>

Date	Office Report	ORDER
25-7-94		<p data-bbox="603 320 1517 502">Adjourned to tomorrow, i.e., 26-7-1994, at the request of Mr. Kyada, who undertakes to serve a copy of the M.A to Mr. D.K. Mehta.</p> <div data-bbox="603 593 1437 684"><div data-bbox="603 593 919 671">(V.Radhakrishnan) Member(A)</div><div data-bbox="1187 606 1437 684">(N.B. Patel) Vice Chairman</div></div> <p data-bbox="603 710 675 749">vtc.</p>
26-7-94		<p data-bbox="595 828 1505 1127">Heard Mr. Kyada. Mr. D.K.Mehta is not present. M.A. allowed. Time to comply with the directions in the judgment is extended till 20th August, 1994. No further extension will be given. M.A. stands disposed of accordingly.</p> <div data-bbox="595 1270 1461 1361"><div data-bbox="595 1270 906 1348">(V.Radhakrishnan) Member(A)</div><div data-bbox="1214 1283 1461 1361">(N.B. Patel) Vice Chairman</div></div> <p data-bbox="595 1387 667 1426">vtc.</p>