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O.A. No. 933 of 2005

Order dated: 15.09.2008

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

The applicant while working in the Railways met with an accident, which incapacitated him to continue in service. As per Annexure-R/1, medical certificate, it is also declared that the applicant is unfit for any category of job in Indian Railways w.e.f. 16.12.2003. The applicant has got only a service of five years in the Railways while he met with the accident. Now the applicant submits that his physical condition has ~~been~~ improved and he is fit for jobs like Rest House Caretaker, Waiting Room Bearer, Telephone Attendant, Trains Announcer etc.

2. For the above contentions, Respondents have taken the stand, in the counter, that as per Annexure-R/1, medical certificate, the applicant is found unfit for any category of job in the Railways. The only duty casts on the Respondents is to give only compensation, which he has already received under the Workman Compensation Act. Further it is contended by the Respondents for a question raised in the Rejoinder filed by the applicant that he is entitled for invalid pension; the stand taken by Respondents is that as the applicant is not having required service for allowing any pension under the Railway Rules, the Respondent are helpless to offer him any such pension.



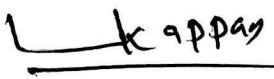
3. As in the counter it is admitted that applicant had not submitted any representation for re-medical examination, in the above circumstances, we are of the view that it is only proper for the applicant to file such an application and in case he files such an application, the Respondents should consider the same and take all possible steps to help him for undergoing the medical check up and if he is found fit to do any job which he prefers, he may be given a chance for that.

4. With the above observation, we dispose of this Original Application by directing as follows:

The applicant shall file a representation for medical re-check up within 30 days from the receipt of a copy of this order and, if such representation is received by the Respondents, Respondents shall take all the possible steps to pursue the matter and to have a medical check up of the applicant within 60 days of the receipt of such representation and in case he is found fit to do any job, which he prefers in this O.A., he may be given such engagement within 30 days therefrom.

5. The O.A. is accordingly disposed of with no order as to costs.


MEMBER (A)


MEMBER (J)

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