

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.323 of 2007
Cuttack, this the 18th day of March, 2009

P.Narasimhulu Applicant
Versus
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the CAT or not?

(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)

(C.R.MOHAPATRA)
MEMBER (ADMN.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.323 of 2007

Cuttack, this the 18th day of March, 2009

C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)

A N D

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

P.Narasimhulu, aged about 57 years, Son of Late Simmanna presently working as Fitter, Grade-II under Senior Section Engineer (C&W), East Coast Railway, Cuttack, At/Po/Dist. Cuttack.

.....Applicant

By Advocate : M/s.B.S.Tripathy, M.K.Rath, J.Pati.
- Versus -

1. Union of India represented through the General Manager, East Coast Railway, Rail Vihar, At/Po.Chandrasekharpur, Bhubaneswar, Dist. Khurda.
2. The Divisional Railway Manager, East Coast Railway, Khurda Road, At/Po.Jatni, Dist.Khurda-752 050.
3. The Senior Divisional Mechanical Engineer, East Cost Railway, Khurda Road, At/Po-Jatni, Dist. Khurda-752 050.
4. The Senior Divisional Personnel Officer, East Coast Railway, Khurda Road, At/Po-Jatni, Dist. Khurda-752 050.

....Respondents

By Advocate :Mr.B.B.Pattnaik

O R D E R

Per- MR. C.R.MOHAPATRA, MEMBER (A):-

The undisputed facts of the case are that while the applicant was continuing in the post of Fitter Grade II carrying the scale of pay of Rs.4000-6000/- (RSRP), he was medically examined and declared unfit for the category of B-I but fit in C-1 medical category vide order dated 27.05.2003 debarring him to

continuing any more in the grade of Fitter II. Consequent upon medical decategorization in grade II Fitter, he was screened by the duly constituted screening committee for providing him alternative appointment. On acceptance of the recommendation of the duly constituted screening committee by the DRM, KUR, the applicant was given alternative posting as Jr.TO carrying the scale of pay of Rs.3050-4590/- (RSRP) vide order dated 19.12.2003. Being aggrieved by such order of alternative appointment, he approached the authority thereafter alleging non-disposal of his representation, he moved this Tribunal in OA No.37/07. On 07.02.2007, this Bench of the Tribunal disposed of the aforesaid OA by directing the Respondents 2 and 4 to decide the pending representations of the Applicant dated 28.1.2004 and 29.12.2006. According to the Learned Counsel for the Respondents as also stated in the counter the representation of the applicant was examined and the applicant was informed vide letter dated 28.3.2007 that on acceptance of the recommendation of the screening committee, the Applicant was appointed in the post of Jr.TO with protection of pay and scale which he was drawing at the time of medical de-categorization. As such, according to the Respondents, the applicant has hardly any claim and, therefore, they have prayed for dismissal of this OA.

2. Heard and perused the materials placed on record. We find from the record that consequent upon medical decategorization, the applicant has been provided with alternative appointment with protection of pay and the scale which he was drawing before being declared medically decategorised. Therefore, the applicant has no further grievance; for which he did not canvass us that he has been deprived of any other benefits which he was entitled to under any of the Rules.

3. In view of the above, we find no merit in this OA. This OA is accordingly dismissed. No costs.

K. Thankappan
(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)

C.R. Mohapatra
(C.R. MOHAPATRA)
MEMBER (ADMN.)