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OA No. 253 of 2010
S.Satyanarayan RajuApplicant
Vrs
Union of India & Ors.Respondents

Order dated 10th April, 2012.

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THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)
And
THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)
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The applicant while working as Junior Gangman under the Section Engineer (P.Way), Bolangir sustained severe injury by goods Train No.N/BRGA at Bridge No.293 having fallen down to the river bed. The Railway Medical Board declared him unfit for any category of job in the Indian Railways w.e.f. 16.12.2003 vide MC No. 785490 dated 7.1.2004. Accordingly his service was terminated w.e.f. 16.12.2003. He approached this Tribunal in OA No. 933 of 2005 seeking direction for any alternative job in Railway. The said OA was disposed of on 15.9.2008 and in compliance of the order dated 15.9.2008 of this Tribunal he was re examined on 13.1.2009 and the medical board certified that the applicant is not fit in any category of Indian Railway service vide MC dated 21.1.2009. Hence by filing this OA the applicant seeks to quash the order under Annexure-17 and to direct the Respondents to engage/appoint him in any other job/light job like Rest House, Caretaker, Waiting Room Bearer, Telephone Attendant, Trains Announcer etc. By filing counter the Respondents

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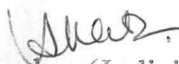
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have stated that when the applicant was declared unfit for any kind of service in the Railway by the Medical Board the relief sought by the applicant cannot be allowed. Accordingly, Respondents have prayed for dismissal of this OA.

2. By placing reliance on the medical report under Annexure-A/11 , A/12 and A/16 it was contended by Learned Counsel for the Applicant that it cannot be said that the applicant is unfit for any type of work in the Indian railway. As certified by the doctor the applicant is fit to discharge light work.

3. Having heard Mr. P.K.Mohapatra, Learned Counsel for the Applicant and Mr. Trilochan Rath, Learned Counsel appearing for the Respondent-Railways, perused the materials placed on record.

4. As the applicant sustained injury in course of his duty, this OA is disposed of with direction to the General Manager, Respondent No.1 to reconsider the grievance of the applicant for his engagement in any lighter work/job taking into consideration the medical certificates under Annexure-A/11, A/12 and A/16 and communicate his decision to the applicant within a period thirty days from the date of receipt of copy of this order. No costs.


Member (Judicial)


Member (Admn.)