

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR.

O.A. No. : 277/1996

Date of Order : 25.2.2000

Upendra Prasad Yadav S/o Shri Bhuvneshwar Prasad Yadav, aged about 38 years, working as a Khallasi in the Office of Inspector of Works (construction) Northern Railway, Bikaner, Under Dy. Chief Engineer (Construction), Northern Railway, Bikaner, R/o Railway Colony, Lalgarh, Bikaner.

..Applicant.

Versus

1. Union of India through General Manager, Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. Chief Administrative Officer (Const.), Northern Railway, Kashmiri Gate, Delhi.
3. Dy. Chief Engineer (Construction), Northern Railway, Bikaner.

Assistant Personnel Officer,  
Northern Railway,  
Bikaner Division, Bikaner.

.. Respondents.

Mr. Y.K. Sharma, counsel for the applicant.

Mr. S.S. Vyas, counsel for the respondents.

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

PER HON'BLE MR. A.K. MISRA :

The applicant has moved this application with the prayer that the respondents be directed to post the applicant

*[Signature]*

..2..

as Khallasi for which the applicant appeared for screening test held by the respondents and granted temporary status to the applicant as that of Khallasi.

2. Notice of the application was given to the respondents who have filed their reply in which it is stated that the applicant was working as Gangman ~~xxxEngineerxxxDepartment~~ with effect from 15.10.1983 and was sent for medical examination for category 'B(1)'. It is alleged that for grant of temporary status as Gangman, the applicant was required to be declared fit in medical 'B(1)' category but the applicant was declared fit in medical category 'C(1)' and was consequently found fit for the post of Safaiwala/Chowkidar vide Annexure A/1. It is also alleged that the applicant had not been posted either as Chowkidar or Safaiwala, therefore, the present application is misconceived and not maintainable. It is further alleged that applicant could be posted on any post relating to medical 'C(1)' category. The OA, therefore, deserved to be dismissed.

3. We have heard the learned counsel for the parties and have gone through the case file. From Annexure R/1 it appears that the applicant was required to be examined by the Medical Officer for 'B(1)' category so that further action relating to his regularisation could be taken. But on examination the Doctor found him fit for medical category 'C(1)' and consequently the applicant can be given posting on any of the post for which such candidate was required to be medically fit under category 'C(1)'. The applicant can not claim to be posted only in Engineering Department as

It was argued. At the time of examination, the applicant was working as Gangman in Engineering Department but that does not mean that on being declared medically fit for category 'C(1)', the applicant was required to be posted only in Engineering Department. He could be posted on any of the postings in any of the departments for which the candidate is required to be fit in medical category 'C(1)'. Therefore, the claim of the applicant seeking his posting in Engineering Department is devoid of merits. It may also be noted in this respect that the applicant has not been given posting <sup>as</sup> yet in pursuance of the Doctor's certificate Annexure R/1.

4. It was next argued by the learned counsel for the applicant that Safaiwala is not a category which is mentioned anywhere in the list for postings relating to medical 'C(1)' fit category candidate as printed in Indian Railway Establishment Manual, Second Edition of the year 1968 under Chapter 10 from page 47 to 57 of the said book. On the other hand, it was argued by the learned counsel for the respondents that Safaiwala is Hindi translation of Cleaner which is mentioned in the list of medical 'C(1)' category postings. In reply to this argument, it was argued by the learned counsel for the applicant that generally Safaiwala is known as Sweeper and, therefore, the categorisation as given by the respondents in Annexure A/1 is misleading and confusing.

5. We have considered this aspect of the case. In Annexure A/1, the respondents seem to have mentioned

the Hindi translation of such posts as has been mentioned in the Book. During the course of arguments, we have not been shown any Hindi version of Cleaner as Safaiwala or Watchman as Chowkidar. Therefore, we feel that by giving the Hindi translation of the words of Cleaner and Watchman the respondents have mentioned in Annexure A/1 as Safaiwala/Chowkidar. Hence this confusion.

6. Simply because the applicant has been declared fit for the above-mentioned two posts that does not mean that he would be given postings on either of these two posts. He could be given posting on any of the posts bearing equal pay which are mentioned in the long list of medical class 'C(1)' category. The applicant could have raised the dispute only after he had been given a posting on a post which does not find place in the list but he has raised the dispute only on the basis of declaration as mentioned in Annexure A/1. In our opinion, the application is pre-mature and deserves to be dismissed. However, it is expected that while giving the applicant a posting as per his medical fit category 'C(1)', he would be posted on appropriate post which figures in the list for such medical category candidate, and to that extent, the panel Annexure A/1 should be amended mentioning the post by its original name as mentioned in the list for category 'C(1)'.

7. With the above observation, the OA is disposed of. The parties are left to bear their own costs.

(Signature)  
(GODAL SINGH)  
MEMBER (A)

21721000  
(A. K. MIRRA)  
MEMBER (J)