

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 423/98

Wednesday, this the 7th day of April, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

T.J. Mathew,
Station Master/Grade II,
Sankaridrug, Palghat Division,
Southern Railway, residing at
Thulamattathil, Perumthanam,
Uzhavoor Post, Kottayam (Dt).

...Applicant

By Advocate Mr. K.P. Varkey

Vs.

1. General Manager,
Southern Railway,
Chennai - 600 003.
2. The Divisional Railway Manager,
Southern Railway, Palghat.
3. Senior Divisional Medical Officer,
Railway Hospital, Palghat.
4. Senior Divisional Medical Officer,
Railway Hospital, Erode,
Tamil Nadu.
5. Station Superintendent,
Sankaridrug Railway Station & Post,
Salem District, Tamil Nadu.

...Respondents

By Advocate Mrs. Sumathi Dandapani

The application having been heard on 7.4.99, the
Tribunal on the same day delivered the following:

ORDER

The applicant seeks the following reliefs:

- (a) To call for the records leading to the
issue of A-5 Fit Certificate, the Transfer
Note at A-4 and the Discharge Note at A-6
and quash the same
- (b) To declare that A-5 Fit Certificate, the
Transfer Note at A-4 and the Discharge

Note at A-6 are illegal, arbitrary and without jurisdiction.

- (c) To declare that the applicant is entitled to be kept in the sick list of Railway Hospital, Erode for one month from 26.2.98 in terms of the Railway Surgeon's Note at A-4, or for such period in pursuance of the medical certificates A-1 and A-7, whichever period is more.
- (d) To direct the 4th respondent to issue a sick certificate in favour of the applicant with effect from 26.2.98 in accordance with the Railway Surgeon's Note at A-4 and Medical Certificates A-1 and A-7.
- (e) To direct the 2nd respondent to grant leave on medical grounds to the applicant as per extant rules.
- (f) To pass such other orders or directions as deemed fit, just and necessary by the Hon'ble Tribunal in the facts and circumstances of the case.

2. After hearing both sides at length, the learned counsel appearing for the applicant submitted that it is suffice to permit the applicant to submit a representation to the authority concerned for granting leave who is said to be the Divisional Operations Manager. The learned counsel appearing for the respondents submitted that there is no objection in adopting such a course especially in view of the fact that a plea is taken by the respondents that the authority competent to grant leave to the applicant in this case is the Divisional Operations Manager.

3. Accordingly, the applicant is permitted to submit a representation to the authority competent within 15 days from today through proper channel. If such a representation is received by the authority competent, he shall consider the same and pass appropriate orders.

4. O.A. is disposed of as above. No costs.

Dated the 7th day of April, 1999.



A.M. SIVADAS
JUDICIAL MEMBER

nv
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LIST OF ANNEXURES REFERRED TO IN THE ORDER

1. Annexure A-1:

True copy of Medical Certificate dated 23.2.98 issued by Dr. Harishkumar M.D., Physician, Mar Kavukatt Memorial Hospital, Pravithanam.

2. Annexure A-4:

True copy of Transfer Note dated 25.2.98 by the fourth respondent, below Note No. 3026/98/E dated 25.2.98 by Surgeon, Railway Hospital, Palghat.

3. Annexure A-5:

True copy of Fit Certificate No. 203257 dated 25.2.98 issued by the fourth respondent.

4. Annexure A-6:

True copy of Discharge Note dated 26.2.98 by the third respondent.

5. Annexure A-7:

True copy of Medical Certificate dated 10.3.98 issued by Dr. Harishkumar M.D., Physician, Mar Kavukatt Memorial Hospital, Pravithanam.