

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.424/2001.

Thursday this the 12th day of July 2001.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

C.Mani,  
Senior Trackman,  
Southern Railway/Karuppur,  
(Under Section Engineer/Permanent Way,  
Salem North). Applicant

(By Advocate Shri TC Govindaswamy)

Vs.

1. Union of India represented by  
the General Manager,  
Southern Railway,  
Headquarters Office,  
Park Town P.O., Chennai-3.
2. The chief Personnel Officer,  
Southern Railway,  
Headquarters Office,  
Park Town P.O.,  
Chennai-3.
3. The Senior Divisional Personnel Officer,  
Southern Railway,  
Palghat Division, Palghat.
4. The Chief Medical Superintendent,  
Southern Railway,  
Railway Hospital,  
Palghat. Respondents

(By Advocate Shri Thomas Mathew Nellimoottil)

The application having been heard on 12th July 2001  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant presently working as Senior Trackman was  
empanelled for the post of Supervisor Permanent Way in the  
scale of Rs.4500-7000 in the Engineering Department of Palghat  
Division by order dated 21.6.99. By order dated 6.7.99 (A2)

the applicant was promoted as Supervisor, Permanent Way in the scale of Rs. 4500-7000 and was posted to TPT (Tirupathur). However, he was not relieved to join the post probably because he was found medically unfit in A-Three Medical Classification. The applicant went on making representations stating that for the purpose of being posted as Supervisor, Permanent Way, as per Indian Railway Medical Manual as also Indian Railway Establishment Manual, Bee-one Medical Classification is sufficient. The applicant did not get any response and is still being retained as Senior Trackman. Aggrieved by this, the applicant has filed this application for a declaration that the non-feasance on the part of the respondents to relieve the applicant on promotion as Permanent Way Mistry, despite Annexure A-1/A-2, is highly arbitrary, discriminatory, contrary to law and hence, unconstitutional, and for a direction to the respondents to relieve the applicant forthwith. He has also prayed for a direction to the first respondent to consider A-5 representation, taking into consideration A-6, A-7 and A-8 and to take a final decision thereon, within a time limit.

2. When the O.A. came up for hearing learned counsel on either side submit that the application may be disposed of with a direction to the first respondent to consider A-5 representation submitted by the applicant in the light of A-6, A-7 and A-8 and in the light of the rules, rulings and instructions on the subject and to give the applicant an appropriate reply within a reasonable time.

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3. In the light of the above submission made by the counsel, the application is disposed of directing the first respondent to consider A-5 representation made by the applicant, in the light of A-6, A-7 and A-8 and in the light of the rules, rulings, and instructions on the subject and to give the applicant an appropriate reply within a period of one month from the date of receipt of a copy of this order. No costs.

Dated the 12th July 2001.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

rv

List of Annexures referred to in the order:

A-2 : True copy of the order No. J/P 532/IX/PWM/Vol.XII dated 6.7.99 issued by the 3rd respondent.

A-1: True copy of the panel published by the 3rd respondent under No.J/P 531/IX/PWM/Vol.XII of 21.6.99.

A-5: True copy of the representation dated 17.1.2001 submitted by the applicant to the 1st respondent.

A-6: True copy of the relevant pages of Chapter X of the Indian Railway Establishment Manual (1967) Edition.

A-7: True copy of the relevant pages of Indian Railway Medical Manual

A-8: True copy of the relevant pages of the Indian Railway Permanent Way Manual.