

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.177/95

Wednesday, this the 1st day of March, 1995.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

R Alphonse,  
Colony Gangman,  
Southern Railway,  
Trivandrum.

- Applicant

By Advocate Mr B Krishnamani

Vs

1. The Chief Personnel Officer,  
Southern Railway,  
Headquarters Office,  
Madras-600 003.
2. The Divisional Railway Manager,  
Personnel Branch,  
Southern Railway, Trivandrum.
3. The Divisional Personnel Officer,  
O/o the Divisional Railway Manager,  
Southern Railway, Trivandrum. - Respondents

By Advocate Mr James Kurian

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant, who sustained serious physical injuries in the course of duty, seeks a direction to respondents to give him a light job.

2. It is said that on 17.8.1976 the applicant sustained an injury to his right heel, causing kyloid on the outside right side-ankle movement extension 50% flexion 10%. The Divisional Medical Officer who examined him issued A1 certificate recording that applicant was suffering from right heel kyloid, and that he was orthopaedically handicapped. By A2, the Deputy Chief Engineer,

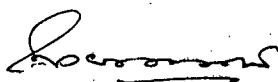
a senior level officer recommended that applicant may be given any light job against a Group'D' post in the handicapped quota, since he was unable to perform arduous labour. Thirteen years passed without anything eventful, and applicant has approached us.

3. In view of the urgency of the matter, we directed respondents to file their reply statement before 24.2.1995 and observed that their defence will stand struck off, if no reply statement was filed. No reply statement has been filed within the time, and there is no application before us for extension of time. We are therefore constrained to decide the matter ex parte.

4. Thirteen years is a long time in the working life of a man, and we do not think we will be rendering justice to applicant if we ask him to wait longer. This is particularly so, when a medical officer had issued a certificate regarding the physical inability almost 14 years ago and when a senior level officer like the Deputy Chief Engineer had recommended granting of a light job around the same time. Respondents have not shown cause why the relief prayed for should not be granted and applicant has shown good cause supported by A1 and A2 to justify grant of relief. In these circumstances, we direct respondents or such of them as is competent to give a Group'D' post or its equivalent to applicant, which a handicapped person suffering the injuries indicated in A1 can perform. This will be done within three weeks from today. We are not expressing any opinion on the claim for compensation. But first respondent will dispose of A5 representation within six months from today.

5. We allow the application as aforesaid. Parties will suffer their costs.

Dated, the 1st March, 1995.



SP BISWAS  
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

List of Annexures

- Annexure A1:- True copy of Medical Certificate issued Divisional Medical Officer, Southern Railway Hospital Madras to the applicant dated 3-11-1981
- Annexure A2:- True copy of communication No.P.407/ CN/TVD dated 27-10-1981 issued by Deputy Chief Engineer to the Divisional Railway Manager, Trivandrum. (Respondent No.2)
- Annexure A5:- True copy of representation of applicant to Chief Personnel Officer, Southern Railway Madras, dated 3-11-94 seeking compensation. (Respondent No.1).