

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCHO.A No. 22 / 2008Tuesday, this the 17th day of February, 2009.

CORAM

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

G.Sreenivasan,
Retrenched Casual Labour,
Southern Railway,
Palghat Division,
Residing at: Chinthalpadi Post,
Pappireddyppatti Taluk, Dharmapuri,
Tamil Nadu.Applicant

(By Advocate TC Govindaswamy)

v.

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 Divisional Personnel Officer,
Southern Railway,
Palghat Division, Palghat.Respondents

(By Advocate Mr Sunil Jose)

This application having been finally heard on 17.2.2009, the Tribunal on the same day delivered the following:



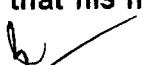
ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant's grievance is that he has not been absorbed as a Group'D' employee on the ground that he has been declared medically unfit in the Category Bee-one.

2. The facts in brief are that the applicant is a retrenched casual labourer. Earlier his name was included in the live register published on 17.9.1996 and it was at Sl.No.1186. The applicant has disputed the aforesaid position granted to him in the live register as many of his juniors were given earlier positions. He filed O.A.330/2000 before this Tribunal and the same was disposed of on 6.12.2000 and thereafter the respondents on verification of his records, his name was included in the live register as Sl.No.188(A). Thereafter, he was subjected to medical examination for absorption as Group'D' employee as required under the Rules. In the first medical examination held on 25.3.2004 he was declared "Unfit in Bee One". On his appeal to the competent authority, he was subjected to a second medical examination on 16.12.2004 but again he was declared "Unfit in Bee One" (Annexure R-2).

3. The contention of the applicant is that the respondents could have determined his medical fitness in other other lower categories like Bee-Two and Cee-One and if he was declared fit in those categories, he could have been employed as a Group'D' post for which the aforesaid medical categorisation is sufficient. After hearing the parties for quite some time, learned counsel for the applicant Shri TC Govindaswamy fairly submitted that will make a representation to the first respondent for permitting to undergo another medical examination so that his medical categorisation can be determined and if he is declared fit in any



of these lower categories, he can be appointed to a suitable post in accordance with rules. Learned counsel for the respondents has no objection for adopting such a course of action.

4. In the above facts and circumstances of the case, I dispose of this O.A with the direction to the applicant to make a detailed representation to the 1st respondent requesting for another medical examination to determine his medical categorisation. On receipt of such a representation, the 1st respondent shall consider ~~him~~ the applicant's request for a fresh medical examination, if permissible, under the Rules and if he is found "fit" in any of the lower categories, he should be absorbed against any suitable Group'D' post for which the lower medical categorisation is sufficient. The aforesaid direction shall be complied with categories within a period of three months from the date of receipt of this order. There shall be no order as to costs.



GEORGE PARACKEN
JUDICIAL MEMBER

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