

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.377/92

Thursday, this the second day of December, 1993

SHRI N DHARMADAN, JUDICIAL MEMBER
AND
SHRI S KASIPANDIAN, ADMINISTRATIVE MEMBER

KR Sajeev,
S/o KS Raghavan,
Kadavil House,
Aranattukara PO
Trichur-680 618. - Applicant

By Advocate Shri P Sivan Pillai

Vs.

1. Union of India through
General Manager,
Central Railway,
Bombay VT.
2. The Chief Personnel Officer,
Central Railway,
Bombay VT.
3. The Divisional Railway Manager,
Central Railway, Bhushawal.
4. The Chief Medical Officer,
Central Railway, Bombay VT.
5. The Medical Superintendent,
Central Railway,
Bhusawal. - Respondents

By Advocate M/s MC Cherian & TA Rajan

O_R_D_E_R

N DHARMADAN, JUDICIAL MEMBER

The applicant, who was removed from service applying
the provisions of Paragraph 573 of the Indian Railway Establish-
ment Manual(IREM) has filed this O.A. under Section 19 of the
Administrative Tribunals Act for quashing Annexure-A4

proceedings of Divisional Railway Manager declaring him unfit for the post of Diesel Assistant and Annexure-A6 order rejecting his representation filed before the DRM. He filed another representation Annexure-A7 which is treated as an appeal filed by the applicant before the General Manager, Central Railway against the decision taken by the DRM. It is pending.

2. It is an admitted fact that the applicant was found unfit only to work as Diesel Assistant in which post he worked only for three days. He was found unfit for job as per para-573 of IREM. This paragraph provides that an officer who has recovered from mental diseases should not be employed in any job connected with running of locomotives. The learned counsel for the applicant submitted that the applicant is fit for other jobs not covered by para 573. If the applicant is not fit for job as Diesel Assistant, he can be considered for any other job for which he was not found unfit. It is further submitted that the applicant was not found unfit for other jobs not covered by para 573 of IREM and that the services of the applicant has not been terminated so far. According to the applicant, he is fit^{even} for the job of Diesel Assistant for if he is examined by a properly constituted medical board as provided for in para 517 of IRMM, he can establish that he is fit for the job.

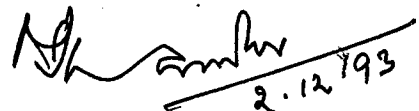
3. We are not expressing our final opinion on these submissions particularly because the appeal filed by the applicant at Annexure-A7 is pending consideration. We are

satisfied that the application can be disposed of in the interest of justice, directing the first respondent to consider Annexure-A7 appeal and pass appropriate orders in accordance with law. He shall also consider the claim of those the applicant for any other job other than/covers by para 573 of the IREM in case he is found to be not fit for doing their work of Diesel Assistant. A decision shall be taken within a period of four months from the date of receipt of a copy of this order.

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



(S KASIPANDIAN)
ADMINISTRATIVE MEMBER


2.12.1993

(N DHARMADAN)
JUDICIAL MEMBER

tre