

16

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

O.A.NO.246 of 1990

Ram NawalApplicant

Versus

DRM(P)N.E.Railway, Lucknow & others...Respondents

Hon'ble Mr.K.Obayya,A.M.

Hon'ble Mr.S.N.Prasad,J.M.

(By Hon'ble Mr.K.Obayya,A.M.)

The applicant, who was employed as Gangman in N.E.Railway, was found medically unfit for A-3 Category but was found fit for C-1 Category in the medical examination. Thereafter, he was asked to report to Divisional Railway Manager (P), Lucknow as there was no post vacant in A-3 Category. Vide order dated 4.3.87, he was offered the post of Cleaner Jamadar and the applicant gave his acceptance on 25.3.87. Then by order dated 30.11/3.12.87, the applicant was appointed as Cleaner Jamadar in Gonda in the pay scale of Rs.775-1025/- and the applicant proceeded to Gonda but he found that one Mr.Somai was already working on the said post. He was told to report back to DRM(P) Office and since then he is knocking the door of DRM without any order. The applicant also made representation on 10.5.88 but that has also not been disposed of. Feeling aggrieved by the same, the applicant approached this tribunal for direction to the concerned authorities to comply with orders contained in Annexure A-5. The applicant has also prayed that throughout this period ever since the applicant was decategorised, he was entitled to receive half pay which was not paid to him.

2. The respondents have resisted the case.

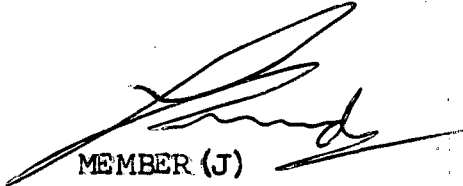
They have raised a plea of limitation inasmuch as the applicant is seeking implementation of the order passed in 1987. It has also been pointed out that after medical decategorization, option was given by the applicant along with another candidate namely Ashiq Ali and both of them were posted as Cleaner-Jamadars. Shri Ashiq Ali reported his duties at Lucknow but the applicant failed to turn-up at Gonda. It is also stated that the applicant never reported back to DRM .

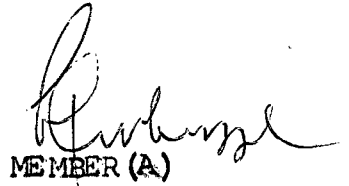
3. We have heard the learned counsel for the parties. Apart from the technical plea of delay, there appears nothing else against the applicant. The facts are admitted. The applicant was to be absorbed on the alternative post which was offered. However, the controversy is that when he went to report the duties, one Somai was already working on the post. Consequently, he came back and reported to the DRM. The respondents denied that the applicant had come back and reported to DRM. However, it is considered that in case the applicant is found suitable for lower category, he will be absorbed on the said post. It appears improbable that the applicant failed to report at DRM Lucknow. We would not like to go into this controversy and further we direct the respondents to provide an alternative employment to the applicant within one month from the date of receipt of copy of the order. The applicant is also entitled to get the salary and wages for the intervening period when he was not absorbed elsewhere in accordance with law. The application is disposed

A8

-3-

of. in above terms. No order as to costs.


MEMBER (J)


MEMBER (A)

DATED: OCTOBER 21, 1992.

(ug)