

AM

THE CENTRAL ADMINISTRATIVE TRIBUNAL—LUCKNOW BENCH  
LUCKNOW.

O.A. NO. 313 of 1990.

Gaya Prasad & others..... Applicants.

Versus

Union of India & others..... Respondents.

Hon'ble Mr. Justice U.C.Srivastava- V.C.

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

(By Hon'ble Mr.Justice U.C.Srivastava-V.C)

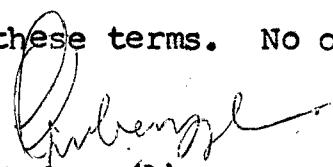
The applicants entered in the services of the Railway Administration as Khallasies and after serving about 5 to 6 years they were given status of decasualised Khallasi in 1984. Their Casual Labour Cards were deposited, their service & antecedents ~~was~~ were checked and verified and was medically examined. and were issued Leave Book in which their status was mentioned. They have been contributing Provident Fund also. The Members of Scheduled Castes and Back Ward classes were required to get themselves medical examined and they were relieved for the same. According to them they were declared medically unfit without being subjected to medical test and they have been orally ordered to seek the work thereafter w.e.f. 28th July, 1990. According to the respondents they were declared medically unfit when examined in 1984, but with the collusion of the official of the Railway Department they continued to work. They were sent for medical examination in the year 1990 and were found medically unfit and they not having been absorbed and regularised, their services were terminated on one months' notice.

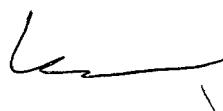
2. Similar matter came up for consideration in O.A. No. 29/92 & 31/92 and after taking into consideration the respective pleas, we have passed the following orders in the said case. After taking into consideration to the effect that the applicants

are prepared to offer himself for medical examination.

Let the applicants be medically examined again within a period of three months from today and may be provided an alternate job in case they are medically unfit for the category in which they were working.

3. As both the parties are responsible to some extent, the respondents to decide the intervening period as to whether the applicant should be granted leave without pay or the entire period should be treated as dies-non. In case they are continued in service, it is open for the respondent to declare the entire period beyond the date <sup>the</sup> ~~of~~ memo was served as dies-non. The application is disposed of finally in these terms. No order as to the costs.

  
Member (A).

  
Vice Chairman.

Dt: June 25, 1992.

(DPS)