

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 150/2011

This the 8th day of July, 2014

Hon'ble Sri Navneet Kumar , Member (J)

Hon'ble Ms. Jayati Chandra, Member (A)

Mohd. Yonus aged about 52 years son of Sri Ali Jauwad resident of near Zinnatowali Maszid, Safarganj, New Colony, Hardoi Road, Lucknow-226003 (lastly working as Officiating Assistant Postmaster (on office arrangement) in General Post Office (GPO), Lucknow-226001.

Applicant

By Advocate: Sri Prashant Kumar Singh

Versus

1. Union of India through the Secretary, Ministry of Communication (Department of Posts), New Delhi.
2. The Chief Post Master General, U.P. Circle, Lucknow.
3. The Director Postal Services (Headquarters) Office of the Chief Post Master General, U.P. Circle, Lucknow.
4. The Chief Post Master , Lucknow GPO, Lucknow.
5. Shri Niyaz Ahmad , Chief Post Master, Lucknow GPO, Lucknow.

Respondents

By Advocate: Sri S.P. Singh for Sri R. Mishra

ORDER (ORAL)

BY HON'BLE SRI NAVNEET KUMAR, MEMBER (J)

The present Original Application is preferred by the applicant u/s 19 of the AT Act, with the following reliefs:-

- a) issuing/passing of an order or direction setting aside the impugned order dated 12.3.2011 , issued by the respondent No. 4 directing the applicant to work as Assistant Post Master, SBSO Branch of the GPO, Lucknow (as contained in Annexure No. A-1), after summoning the original records.
- b) issuing/ passing of an order or direction to the respondents particularly the respondent No. 4 not to depute the applicant for working or supervising computer work and depute him only where the work is performed manually and not on computer.
- c) issuing/ passing of any other order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.
- d) allowing this original application with cost.

2. The brief facts of the case are that the applicant after being initially appointed in the respondents organization granted promotions as well as granted financial upgradation. The applicant was having some medical problems in his eyes, as such when the applicant was assigned the work on computer by means of order dated 12.3.2011, he preferred the present O.A. and prays that he may not be given the work of computer so that his eyes may not get further deteriorated. The applicant also submitted a representation which was decided by means of order dated 2.5.2011, in which it is directed for medical examination by the medical board about his fitness to perform the Govt. work so that further action would be taken by the concerned authorities. In pursuance of the said, the applicant was medically examined in the Indira Gandhi Eye Hospital and Research Centre and a medical report is issued on 2nd July, 2011. According to medical report, the opinion of the Doctor is as under:-

“In our opinion, he is having good vision in left eye and is able to perform work on computers.”

3. The applicant is having an apprehension that since there is a good vision in left eye and he has assigned the work on computer only, his vision may further deteriorate. Not only this, the learned counsel for applicant also submitted that at present the applicant has not been assigned the official work which is directly connected with the working on computer.

4. Learned counsel appearing on behalf of the respondents filed their reply and Supple. Counter reply. It is mentioned that vide order dated 12.3.2011, which is impugned in the present O.A., the applicant was assigned to work as APM Saving Bank Sub Office in the interest of service. This is a temporary and adhoc arrangement on account of shortage of approved LSGs norms based APM to be provided from Circle office. The respondents have also admitted this fact that the cataract surgery of applicant's left eye was performed on 21.3.2008 but

the applicant's eye problem persisted. Not only this, it is also submitted by the learned counsel for respondents that the applicant never requested/ reported to the respondent No. 4 for any difficulty related to his eye problem. Not only this, it is also indicated by the respondents that CPMG, U.P.Circle, Lucknow has already ordered that the applicant should be presently engaged on the post which can be managed for non-computerized staff.

5. Learned counsel for the applicant has filed Rejoinder reply as well as Supple. Rejoinder Reply and through rejoinder reply/ supple. Rejoinder reply, mostly the averments made in the counter reply/ Supple. Counter reply are reiterated.

6. Heard the learned counsel for the parties and perused the record.

7. The applicant was appointed in the respondents organisation and was given promotions and was also given financial up-gradations. The applicant get the cataract surgery in one of his eyes and he was assigned the job to work on computers. He has made a request to the respondents for not to assign him work on computer and the respondents vide order dated 2.5.2011 directed the medical Board to examine the applicant about his fitness and the medical board was duly constituted and given his medical report vide medical report dated 2nd July, 2011. It is also indicated by the learned counsel for parties that at present, the job assigned to the applicant does not require him to work on computer directly. The medical examination which was done in respect of the applicant is of the year 2011 and that too from Indira Gandhi Eye Hospital and Research Centre which appears to be required for re-examination at present.

8. Under such circumstances, we direct the applicant to get him re-examined by Govt. empanelled eye hospital and submit his report to the authorities along with representation and respondents may consider and decide the claim of the applicant for not giving him job

directly to work on computer. The same shall be done within a period of three months. It is made clear that since the applicant is at present has not been assigned the job directly on the computers, as such, the same shall not be done till the disposal of further representation of the applicant filed along with medical examination report.

9. With the above observations, O.A. is disposed of. No order as to costs.

J. Chandra.
(JAYATI CHANDRA)
MEMBER (A)

Navneet Kumar
(NAVNEET KUMAR)
MEMBER(J)

HLS/-