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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW.

O.A. No. 95 of 1991.

Uma Shankar Applicant.

Versus

Union of India & others Respondents.

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

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

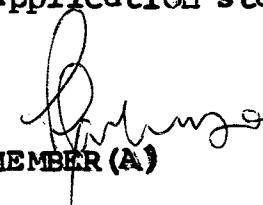
(By Hon'ble Mr. Justice U.C.Srivastava, V.C.)

The applicant was engaged as Safaiwala in Northern Railway, Lucknow Division on 7.12.82. He got temporary status after working 120 days and as such he became entitled to all the benefits of the temporary Government servant which he was getting. He was sent for medical examination along with other Safaiwala and on 14.2.90 he was found medically unfit due to his failure in the vision test of Category C-1.

Thereafter, the applicant did not turn up for duty but he filed an appeal and his appeal was considered and he was re-examined for Category C-1 by the Senior Divisional Medical Officer on 10.5.90 and he was declared unfit. He again preferred an appeal for lower category C-2 and the medical examination in respect of the same too took place and the applicant was found unfit for Category C-2. The grievance of the applicant, who has not stated that he was found medically fit for Category C-2, is that having been found medically unfit for Category C-1, under Paragraph 152 of the Indian Railway Establishment Code, an alternative appointment should have been found out but no efforts were made to find out an alternative appointment.

The applicant made references of the Supreme Court Cases. Those cases have no applicability inasmuch as the applicant's appeal was considered and he was not found medically fit for lower Category and that is why there was no option for the railway authority but to

continuo the samo situation. However, in view of the fact that although the applicant because of failure in vision test, was found unfit for both Catogories C-1 and C-2, even now alternativo appointment can be given to him in caso the same is available. If the applicant offers himself for medical-examination fit and he is found/for any other lower category or any other work which can be peformed, there appears a reason as to why the respondents will not consider his case for re-employment for such alternative job. Let it be done within a period of three months from the date of submission of medical certificate by the applicant. With these observations, the application stands disposed of. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: OCTOBER 19, 1992.

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