

(A61)

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 350 of 1992

Aminullah . . . . . Applicant

Versus

Union of India & Others . . . . . Respondents

Hon'ble Mr. S.N. Prasad, Member (Judicial)

The applicant has approached this tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer for issuing the direction to the respondents to accept the application of the applicant for Voluntary retirement w.e.f. March, 1988, and for further directing the respondents to pay all the consequential benefits arising out of acceptance of the prayer for voluntarily retirement.

2. *Succinctly* the facts of this case are, inter alia, that the applicant was appointed as a Waterman in the year 1960 in North Eastern Railways and he joined on 13.12.1960 at Railway Station Charbagh (N.E. Rly.), Lucknow and was later on transferred to Payaspur Railway Station District Bahraich on the same post. In the year 1976, he was promoted as Gateman and was posted at Railway Station Nanpara, District Bahraich, where he served for about 11 years. In the year 1987, the applicant was transferred to Railway Station Bahraich as Gateman and in the month of November, 1987 the applicant was sent for his medical Examination as he had trouble in his left hand and owing to trouble in his left hand he was feeling difficulty in performing the heavy duty. The Sahayk Mandal Chikitsa Adhikari, Nanpara examined the applicant and after medical examination, the Medical Officer made recommendation for

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:: 2 ::

giving light duty to him and also referred ~~to him~~ to the Divisional Medical Officer, Conda for his medical treatment and accordingly the applicant underwent treatment, but there ~~was~~ no much improvement, hence the applicant was referred for further treatment in the Railway Hospital Balshahnagar, Lucknow and the applicant was <sup>and</sup> given treatment, he was advised to do light duty work. As per medical direction, the applicant reported for duty in the month of January, 1988 at Railway Station Bahraich and he was ordered to discharge his duty as "Gateman" as duty of Gateman itself was treated as light duty as would be obvious from the perusal of Annexure A-1.

3. The main grievance of the applicant appears to be that thereafter the applicant represented the matter to the authorities concerned and sought personal interviews with the authorities at D.R.M. Lucknow and he was advised to submit the application for his voluntary retirement and accordingly, he submitted his application to this effect to D.R.M., Lucknow on 13.3.1988 (Vide Annexure A-2) and sent ~~subsequently~~ reminders and last reminder is dated 19.5.1992 (Vide Annexure-4).

4. This is noteworthy that despite ample time and opportunity, no C.A. has been filed by the respondents.

5. I have heard the learned counsel for the applicant <sup>have</sup> and perused the papers. The applicant while adverting to the contents of the application and the papers annexed thereto has urged that the grievance of the applicant may be redressed if the D.R.M., N.E. Railway Lucknow (who is respondent no. 2 in this case) ~~is~~ <sup>is</sup> directed to decide the representation of the applicant dated 13.3.1988 which is still lying pending with D.R.M. (Parichalan) <sup>which</sup> has been followed by the reminders and last reminder is dated 19.5.1992 which is annexure A-4 to this application, ~~so far~~.

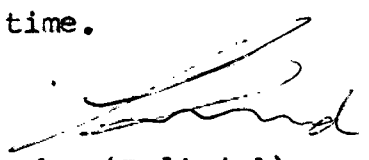
6. Having considered all the view points and all the

116

:: 3 ::

aspects of the matter and keeping in view the circumstances of the case, I find it expedient that the ends of justice would be met if the respondents No. 2 is directed to decide the above representations of the applicant Annexure A-2, A-3 and A-4 (dated 13.3.88, and 19.5.1992) by reasoned and speaking order and in accordance with extant rules, regulations and orders of the Railway Board in this regard, within a period of <sup>3</sup> (three) months from the date of receipt of the copy of this judgement; and I order accordingly.

7. The application of the applicant is disposed of as above. No order as to costs. This is made clear that in case, the above representation and reminders (Annexure A-2, A-3 and A-4) are not readily available with the respondent no. 2 (D.R.M.N.E. Railway, Lucknow), then in that case, the applicant shall furnish a copy thereof to the respondent No. 2 within a period of 15 days from the date of the receipt of the copy of this judgement to enable him to decide the above matter within the aforesaid period of time.

  
Member (Judicial)

4/1/93

Lucknow Dated: 4.1.1993.

(RKA)