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CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.173 of 2006

Date of order : 13th March, 2006

C O R A M

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Uma Shankar Pandey

Applicant

Vrs.

Union of India & Ors.

Respondents.

Counsel for the applicant : Shri S.K.Bariar

Counsel for the respondents : Shri A.A.Khan, SC

O R D E R [ORAL]

Justice P.K.Sinha, VC :-

Heard the learned counsel for the applicant and Shri A.A.Khan, ld. ASC for the respondents. The applicant while working under the respondents, on 26.3.2004, some miscreants brutally assaulted him and another, causing various fractures in leg. The applicant was referred to Danapur Hospital and provided treatment but his right leg after treatment

Shri P.K. Sinha

2.

was shortened by two inches due to the negligence of doctor, thereby making him handicapped. On 9.9.2005, the Chief Medical Officer had recommended the applicant's examination by a Medical Board which order was repeated on 22.2.2006. In the meantime, the applicant was also examined by an Orthopaedic Surgeon of the Railway Hospital who also found him unfit to do the work of Khalasi and he also recommended for constitution of Medical Board. However, the Chief Medical Officer recommended for light work, even as Khalasi, without assessment of percentage of his handicap by Medical Board.

2. In those circumstances, the applicant filed an application to the Divisional Railway Manager, E.C. Railway, Danapur dated 24.2.2006 at Annexure-A/5 requesting to convene a Medical Board to assess his disability. It is submitted that this application is pending and no action has been taken, hence the applicant has moved this Tribunal for the same relief.

3. The learned S.C. agrees that when an application of the applicant is pending which was given not even one month before, the concerned authority should be allowed time to consider that and record an order.

4. In that view of the matter, Respondent No.3, the Divisional Railway Manager, EC Railway, Danapur is directed to consider the representation of the applicant at Annexure-A/5, as also the circumstances mentioned in this



3.

application and to take a decision and record speaking order thereupon within a period of one month of the receipt of a copy of this order. The applicant is also directed to make available to the Respondent No.3 a copy of this order along with a copy of this application with annexures, within fifteen days of the receipt of the certified copy of this order.

5. With the aforesaid direction, this application stands disposed of.



[P.K.Sinha]
Vice-Chairman

mps.