

(12)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

Tr.485/87

Abdul Rehman Abdul Rashid Shaikh,  
Railway Quarter No.J-250(Kali Chawl),  
Near N.G.Railway Station,Kurduwadi,  
Dist.Solapur.

.. Applicant

vs.

1. Union of India
2. The Divisional Railway Manager,  
Central Railway,  
Solapur.
3. The Divisional Mechanical  
Engineer(Diesel),  
Central Railway,  
Pune.
4. The General Manager,  
Central Railway,  
Bombay V.T.

.. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,Vice-Chairman

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.S.R.Atre  
Advocate for the  
Applicant.
2. Mr.V.G.Rege  
Counsel for the  
Respondents.

ORAL JUDGMENT:

(Per U.C.Srivastava,Vice-Chairman)

. Date: 6-6-1991

The applicant who started working as a casual labourer from 1979 in the workshop at Kurduwadi station had earlier filed Writ Petition No.998/1984 before the High Court of Judicature at Bombay for quashing of order dtd. 1-1-1983 terminating his services. By operation of law the said writ petition was transferred to this Tribunal and renumbered as Tr.485/87.

2. The applicant worked for 117 days as casual Khalasi. From 1-1-1981 he was taken as a substitute labourer and he was paid monthly wages in the scale of Rs.196-232. As substitute he has worked upto 31st August,1981 and during this period he worked for 243 days. From 1-9-1981 the applicant was

discontinued as a substitute and he was taken from 3-11-1981 as casual labour and continued upto 21st March, 1982. He worked as casual labour again from 27-4-1982 to 30-6-1982 and he was given monthly wages. He was transferred to Pune as Diesel cleaner and he was given various facilities including train pass which was given to the permanent ~~xxx~~ staff and railway insurance was also deducted from the applicant's pay. The applicant was also paid dearness allowance and city allowance and was also paid bonus. On 23rd December, 1982 he was sent for medical examination and the Medical Officer found the applicant colour blind and declared him unfit for B-1 class and thereafter he was asked <sup>not</sup> to work ~~and~~ by letter dated 1.1.1983 which is under challenge.

3. The applicant states that he was not colour blind and he went to Wanless Hospital, Miraj for examination and the Ophthalmologist found that his vision was alright and issued a certificate ~~xxxxx~~ in this behalf. It was thereafter he contacted the Divisional Mechanical Engineer (Diesel), Pune, and produced the said certificate and requested him to reconsider the order of dismissal but although his application was forwarded to the superior authority the same was not considered.

4. On behalf of the respondents it has been stated that he was declared unfit by the Assistant Divisional Medical Officer and Chapter 10 of the Indian Railway Establishment Manual deals with the examination and various rules which lays down medical classification which are required for the purpose of appointment to various posts in the Indian Railway. The certificate of the applicant was countersigned by the Civil Surgeon but he ~~has~~ ~~not~~ was not aware about the purpose of the