

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY - 400 614

O.A. No.597/88

Udhav Hambirao Kadam  
Vadachi Wadi  
At Post Mhaisgaon  
Taluka - Madha  
Dist. Sholapur

.. Applicant

V/S

1. Union of India  
through General Manager  
Central Railway  
Bombay V.T.
2. The Divisional Railway Manager  
Central Railway  
Solapur

.. Respondents

CORAM: Hon.Shri Justice U C Srivastava, V.C.  
Hon.Shri M Y Priolkar, Member (A)

APPEARANCE:

Shri D V Gangal  
Advocate  
for the applicant

Shri V G Rege  
Counsel  
for the respondents

ORAL JUDGMENT  
(PER: U C Srivastava, Vice Chairman)

DATED: 8.3.91

The applicant who was employed in the Railway Administration as Gangman in the year 1982 while working under Permanent Way Inspector, Kurduwadi met with an accident on duty on 6.9.1983 as a result of which he lost the left eye sight. The applicant was paid some compensation for the injury he suffered while on duty. According to him he was promised ~~that~~ a suitable alternative job, though in the written statement of the respondents the alleged promise has not been admitted. The applicant wants alternative appointment in medical category C-2 for which he is medically fit and not the category in which he was working. As the alternative job was not provided to the applicant with effect from 10.1.1984, he made representations after repre-

sentations but no heed to the same was given and hence he has approached the Tribunal.

The Railway Administration ~~opposed the~~ application by stating that the applicant was not employed before 1980 and as such in view of the scheme which was formulated by the Railway Administration the applicant cannot be regularised. May it be so the applicant cannot be regularised, but since he met with an accident while he was on duty, obviously he could have been given an alternative appointment. There is no denial of the fact that Railway Administration itself has taken a decision to provide alternative employment to the persons who suffer injury while on duty and the applicant's case is also covered by the same and he cannot be refused alternative employment on technical grounds.

Accordingly, we direct the respondents to provide alternative job to the applicant who now belongs to medical category C-2 within three months from to-day. For all other purposes the applicant would be deemed in continuous service though he will not be entitled to claim any wages as arrears for the period.

The application is disposed of on the above grounds with no order as to costs.

  
( M Y PRIOLKAR )  
MEMBER (A)

  
( U C SRIVASTAVA )  
VICE CHAIRMAN