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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 580/88
~~XXXXXX~~ No.

198

DATE OF DECISION 7.1.1991

Shri Suresh B. liram Bhise Petitioner

Shri S.L. Kasbe, Adv. Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Shri R.K. Shetty, Adv. Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.Y. PRIOLKAR, M(A)

The Hon'ble Mr. J.P. SHARMA, M(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

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hc

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

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Original Application No. 580/88

Shri Suresh Baliram Bhise,
Room No. 'J' Type - 23,
Railway Quarters, Dehuroad,
Ta. Haveli, Dist. Pune.

..... Applicant

Vs.

Union of India
and others

..... Respondents

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

Hon'ble Member Shri J.P. Sharma, M(J)

Appearance :

Shri S.L. Kasbe, Advocate
for the applicant

Shri R.K. Shetty,
Advocate for the Respondents

ORAL JUDGMENT

Dated: 7.1.1991

(PER : M.Y. PRIOLKAR, MA)

The applicant in this case is a permanent Khalasi in Central Railway. He alleges that from 3rd October 1987, he had to work for almost 39 hours without any rest due to non provision of a reliever, as a result of which he felt giddiness and fell down and sustained injury while on duty. The relief prayed by him is for a direction to the Railways to provide him light duty.

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2. When this case was heard on 30.11.1989, we had directed that the applicant may take medical treatment in some Railway Hospital or Hospital recognised by the Railways for its employees and that we would consider giving a direction for light work, if necessary, after he had undergone such medical treatment.

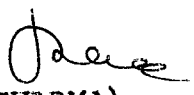
3. Nither the applicant nor his representative is present today though this case was fixed today for final hearing. He was also not present on 31.12.1990 26.7.1990 and 3.4.1990 when this application was earlier listed for hearing. It would appear that the applicant is not interested in pursuing this case. Even on merits, the learned counsel for the respondents denied that there was any causal relationship between the work done by him and the accidental injury sustained by him. He also stated that there is no finding by any appropriate Railway Medical Authority, that the disability with which he is suffering from, requires that he should be provided only with light work. He asserted that even after this accident, for over last three years, the applicant has been discharging his present so called heavy duties, apparently without any disability.


4. In the circumstances, we direct, in continuation of our order dated 30.11.1989, that after the applicant has undergone the medical treatment in a Railway Hospital/Hospital recognised by Railway to its employees,

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he should subject himself to medical examination by a senior Railway Medical Officer nominated by the Railway Administration, and if such Medical Officer so recommends, the Railway Administration should give light work to the applicant as far as it may be possible for them to do so.

5. With this direction, the application is dismissed. There is no order as to costs. Needless to say, if the applicant is still aggrieved by the final order of the respondents pursuant to the above direction, he shall be at liberty to approach this Tribunal again, in accordance with law.


(J.P. SHARMA)
(M/J)


(M.Y. PRIOLKAR)
M/A

7-1-81