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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 751/88
T.A. No.

198

DATE OF DECISION 30.3.1992

SHRI NADDEO DAMODAR GADE Petitioner

SHRI D.V.GANGAL Advocate for the Petitioner(s)

Versus

THE UNION OF INDIA, & ors. Respondent

MR.J.G.SAWANT Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. JUSTICE U.C.SHRIVASTAVA, Vice-Chairman

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

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *Y*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N*

MGIPRRND-12 CAT/86-3-12-86-15,000

U.C. Shrivastava
(U.C.SHRIVASTAVA)
VICE-CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO: 751/88

Shri Namdeo Damodar Gade,
Khalasi,
In the office of Permanent
Way Inspector, Igatpuri,
Central Railway,
Igatpuri

....Applicant

V/s

1. The Union of India
through General Manager,
Central Railway,
Bombay, V.T.

2. Divisional Railway Manager,
Central Railway, Bombay, V.T.

CORAM : HON'BLE MR. JUSTICE U.C.SHRIVASTAVA, Vice-Chairman
HON'BLE MEMBER MR. M.Y.PRIOLKAR, MEMBER (A)

APPEARANCE :

Shri D.V.Gangal, Adv.
for the applicant.

Shri J.G.Sawant, Adv.
for the respondents.

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(10)

ORAL JUDGMENT:

DATED: 30.3.92

(PER: U C Srivastava, Vice Chairman)

Mr. D V Gangal, Advocate, for the applicant.

Mr. J G Sawant, Counsel, for the respondents.


The applicant was employed as Casual Labourer with effect from 31-1-1982 and worked as such till 30-3-1986. On 14.4.198 the applicant suffered an injury and according to the applicant he fell down from goods train at Kasara ghat with the result he was hospitalised for six months and three of his 5 fingers had to be amputated. According to him he was directed to be hospitalised where he was admitted for six months.


The applicant was issued with a medical certificate on 24.3.1986 declaring him fit. He was also issued another letter dated 30.6.1986 and was issued a cash receipt on 1-3-1986. The Assistant Engineer, Igatpuri also addressed a letter to the Divisional Railway Manager for appropriate action. The applicant was trained for regularisation and the applicant prayed for regularisation but he was not regularised.

In 1988 the applicant addressed a letter for consideration of his case for regularisation attaching the Doctor's certificate with the same. But nothing was done. In the month of March 1986 he was made temporary Khalashi and was sent for medical examination to the Divisional Medical Officer. He was sent for medical examination to C-1 category and he was declared medically unfit for C-1 category also with the result the applicant had to lose his job, and that is why he has approached this Tribunal.

The respondents have resisted the claim of the applicant and pleaded that no such representation was made and there was no evidence that the applicant was injured while on duty as a result of which he had to lose three of his fingers.

So far as the representation of the applicant of 1988 is concerned the same was sent under Registered Post A/D and the acknowledgement receipt has been produced by the learned counsel for the applicant. Obviously when the applicant was declared medically unfit he could have assigned some other job which he could have performed. But it appears that the said aspect was not considered and his case of regularisation was considered for which he was not eligible. It appears that the applicant did suffer and sustained the injury. It may be that he was ^{not} intelligent to report and none of the authorities might ~~have~~ been informed. But the fact cannot be denied. Instead of investigating the matter thoroughly the respondents chose to remove him from service. The respondents should have given alternative appointment. Accordingly the respondents are directed to give an appointment to the applicant afresh according to the medical category within a period of three months, in view of the fact that the applicant did suffer an injury and made a representation in the year 1988. No order as to costs.


(M. Y. PRIOLKAR)
MEMBER (A)


(U. C. SRIVASTAVA)
VICE CHAIRMAN