

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 311/89

199

~~XXXXXX~~

DATE OF DECISION 11-10-1991

B M PANDEY

Petitioner

MR. E K THOMAS

Advocate for the Petitioners

Versus

UNION OF INDIA & ORS.

Respondent

MR. V M PRADHAN

Advocate for the Respondent(s)

FOR MR. P M PRADHAN

CORAM:

The Hon'ble Mr. Justice U C Srivastava, Vice Chairman

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

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


V.C.

mbm*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PRESCOT ROAD, BOMBAY-400001

O.A. No.311/89

B M Pandey
Quarter No.J-55/1
Ordnance Estate
Ambarnath
Thane

..Applicant

V/s.

1. Union of India
through Respondent no.3
2. Chairman
Ordnance Factory Board
10-A Auckland Road
Calcutta-1
3. General Manager
Ordnance Factory
Ambarnath

..Respondents

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

APPEARANCE

Shri E K Thomas
Advocate
for the Applicant

Shri V M Pradhan
for Shri P M Pradhan
Counsel
for the Respondents

ORAL JUDGMENT

(PER: U C SRIVASTAVA, VICE CHAIRMAN)

DATED: 11.10.1991

The applicant at the relevant time was working as Ambulance Driver Gr.II to which post he was promoted was found medically unfit because of cataract in the eye. The Surgeon Commander reported that he was unfit to drive the Ambulance and later on declared that he is fit to drive Fork Lift. The applicant was required to undergo a suitability test. The applicant was reverted to a lower post ~~at~~ in the scale of Rs.210-290 from the post of Ambulance Driver. The applicant made representation against the same. Thereafter the union has taken up his case and the reversion order was ~~amended~~ maintained. Later on the applicant regained his vision in the year 1985 because of an operation of his eye at INHS Ashwini Colaba, Bombay. Thereafter the applicant made a representa-

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tion that the original post of Ambulance Driver Gr.II or a similar post or Fork Lift Driver may be given to him so that he may not suffer any loss. The only reply given to the applicant was that on scrutiny OFB has clarified that fixation of pay has been done ~~xxx~~ correctly in accordance with the rules, but no reply was given to him regarding his ~~g~~ fitness and getting back the original post from which he was reverted.

2. Although the respondents have opposed the application, they have not stated that ^{though} the applicant has regained his normal eye sight after the operation why the post was not given to him. Earlier, obviously because there was no post of Fork Lift Driver ~~is~~ available when he claimed for the post the same was not given to him. After regaining of the sight by the applicant his case should have been considered which has not been done.

3. The respondents are directed to consider the representation of the applicant and in case is found fit and the vacancies are available they may promote him as Ambulance Driver Gr.II in their department if there is no other legal hurdle in their way within a period of 3 months from the receipt of this order. In the circumstances of the case there would be no order as to costs.



(M Y PRIOLKAR)
MEMBER(A)



(U C SRIVASTAVA)
VICE CHARIMAN