

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 772/96

Transfer Application No.

Date of Decision 5.2.97

Ashok Awachit (Adakmol)

Petitioner/s

Shri D.V.Gangal

Advocate for  
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri R.R.Shetty

Advocate for  
the Respondents

CORAM :

Hon'ble Shri. B.S.Hegde, Member (J)

Hon'ble Shri. P.P.Srivastava, Member (A)

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to  
other Benches of the Tribunal ?

  
(P.P. SRIVASTAVA)

MEMBER (A)

  
(B.S. HEGDE)

MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

CA.NO. 772/96

5/ this the day of February, 1997

CORAM: Hon'ble Shri B.S.Hegde, Member (J)  
Hon'ble Shri P.P.Srivastava, Member (A)

Ashok Awachit (Adakmol),  
Residing at Bhusawal,  
Breakdown Chawl, Quarter No.186,  
Dist. Jalgaon.

By Advocate Shri D.V.Gangal                    ... Applicant  
V/S.

1. Union of India  
through the General Manager,  
Central Railway, Mumbai C.S.T.
2. The Divisional General Manager,  
Central Railway, Bhusawal.

By Advocate Shri R.R.Shetty                    ... Respondents  
C.G.S.C.

O R D E R

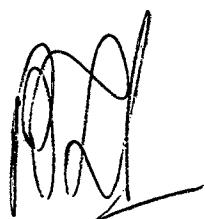
(Per: Shri P.P.Srivastava, Member (A)

The applicant was working as Gangman  
and was removed from service in the year 1987.  
However, on humanitarian ground the applicant  
was directed to be taken back on duty as fresh  
entrant on 6.11.1990. At the time of his medical  
examination for fresh entrant, the applicant was  
found medically unfit for Category A-3 which was  
his normal category for the post of Gangman and  
was found fit for C-1 category. Vide Annexure 'A-1'



the administration referred his case for disposal to the higher authorities in view of his having passed in medical category of C-1 only. The applicant had been approaching the administration since then but has not been given any appointment in C-1 category. The applicant has brought out the details of many posts for which the medical category C-1 is applicable and has requested through this OA, for absorbing him in any one of these posts or in other post where the medical category is C-1.

2. The respondents were given many chances but they have not filed any reply. The case was listed on 30.9.1996 where the respondents were directed to file the reply. Again the case was listed on 2.12.1996 where the respondents' counsel was directed to convey the concerned officer to be present on the next date of hearing along with the records and also to file reply. The case was again listed on 20.12.1996. Inspite of all these dates, the reply has not been filed in this case. The case was finally heard on 6.1.1997 when Shri S.R. Bhomkar, A.P.O. departmental representative was present but he was not having any record. The department has not filed any reply even after so many remarks.



3. Considering the facts and circumstances of this case and the material on record, we, therefore, direct that the applicant should be posted in any one of the post in Category C-1 within a period of three months from the date of receipt of this order. The OA. is disposed of with the above direction.



(P.P.SRIVASTAVA)  
MEMBER (A)



(B.S.HEGDE)  
MEMBER (J)

mrj.