

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Dated this the 31st day of January, 2002

O.A.385 OF 2001

Maharvansingh.H.Khalsa,
Fitter under SSE (C&W)/Kalyan,
Central Railway,
R/o Shri Manoharsingh,
Brk.No.1661/13, Section No.26,
Ulhasnagar 421 004,
District Thane.
(By Advocate Shri K.B.Tatreja)

- Applicant

Versus

1. Union of India,
through the General Manager,
Central Railway,
Mumbai,CST.
2. The Divisional Railway Manager,
Central Railway,
Mumbai CST.
(By Advocate Shri Suresh Kumar) - Respondents

ORAL ORDER

By Hon'ble Mr.B.N.Bahadur, Member (A) -

It is stated before the Tribunal today that subsequent to medical examination by the competent Railway medical authority, the applicant has been taken back on duty and posted as Fitter (C & W), Department of SSE at Kalyan. The learned counsel on both sides are heard. It is seen that the relief sought in the present OA is as follows:-

- (i) This Hon'ble Tribunal may kindly be pleased to direct the Respondents to allow him to resume his duties or else allow him to retire voluntarily pay the applicant consequential benefits accruable to him as per rules.
- (ii) Any other relief or reliefs as this Hon'ble Tribunal may deem fit and appropriate in the facts and circumstances of the case.

(iii) Allow him the cost of this petition as he has become pauper due to continuous sickness and treatment and is unable to bear the burden.

Therefore it is clear that after the above action is taken by the respondents, the relief sought in the OA is met.

2. The learned counsel for the applicant has raised the following points:-

(a) that the nature of interim period of absence will need to be decided.

(b) He draws attention to Page 8 (Annexure-A1) to state that he should be provided benefit from May 2000 since he is being asking from that time to be tested medically. This point is disputed by the learned counsel for the respondents who cites that further facts as contained in their written statement dated 12.12.2001.

3. In regard to the above two points it is felt that as a consequential action, it will definitely be incumbent upon the Railway administration to decide on merits how the period of absence is to be treated in accordance with the rules. No directions can be given or are being given as to how this period is to be treated. It will be purely for the Administration to go into this and to take appropriate under the rules. In regard to the second point that the benefit should accrue w.e.f. May,



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2000, this aspect cannot be decided at this stage. In fact the benefit sought in the OA was very limited and that has come to be granted. The OA is therefore disposed of with the above observations. There will be no order as to costs.

B.N.Bahadur

(B.N.Bahadur)
Member (A)

mb

dt 31/11/02
order/Judgement despatched
to Applicant/Respondent (s)
on 15/12/02

W

J
JY