

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 3 MAR 1989

APPLICATION NO. (s) 2023 /88(F)

W.P. NO (s) _____

Applicant (s)

Shri P. Mathews

v/s

The Divisional Railway Manager, Southern Railway,
Mysore

To

1. Shri P. Mathews
C/o Shri M. Raghavendra Acharya
Advocate
1074-1075, Banashankari I Stage
Sreenivasa Nagar II Phase
Bangalore - 560 050
2. Shri M. Madhusudan
Advocate
1074-1075, Banashankari 1st Stage
Sreenivasa Nagar II Phase
Bangalore - 560 050
3. The Divisional Railway Manager
Southern Railway
Mysore Division
Mysore
4. Shri K.V. Lakshmanachar
Railway Advocate
No. 4, 5th Block
Briand Square Police Quarters
Mysore Road
Bangalore - 560 002

Respondent (s)

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER /STAY /INTERIM ORDER
passed by this Tribunal in the above said application(s) on 27-2-89.

Raj Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

Despatched
K.N.D
3.3.89
Encl : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 27TH DAY OF FEBRUARY, 1989

PRESENT: HON'BLE SHRI JUSTICE K.S.PUTTASWAMY ...VICE-CHAIRMAN
HON'BLE SHRI E.H.A. REGO ...MEMBER (A)

APPLICATION NO. 2023/88

Sri P. Mathews, Major,
S/o P.W. Pauls,
Driver-A,
Harihar.

...APPLICANT

(Shri M. Madhusudan,....Advocate)

vs.

1. Divisional Railway Manager,
Mysore Division,
Mysore.

...RESPONDENTS

(Shri K.V. Lakshmanachar.....Advocate)

This application having come up for
hearing before this Tribunal to-day, Hon'ble Shri
Justice K.S. Puttaswamy, Vice-Chairman, made the
following :-

O R D E R

This is an application made by the
applicant under Section 19 of the Administrative
Tribunals Act, 1985 (the Act).



2. Shri P. Mathews the applicant before us, has been working as Driver A in the Mysore Division of the Southern Railway. In 1984 he was medically found unfit to continue as Driver and therefore he is not continued as Driver. Without disputing that decision, the application has sought for a direction to the respondent to provide him with an alternative suitable job.

3. Shri M. Madhusudan, learned counsel for the applicant contends that even when a Railway servant is found medically unfit for the job, he is ^{& also, &} doing, then the Railway Administration was bound to provide him an alternative suitable job with due regard to his present health.

4. Shri K.V. Lakshmanachar, learned counsel for the respondent opposes this application.

5. The applicant is found medically unfit for the post of Driver is not disputed by him. But in such cases the elaborate rules and the orders made by Government and the Railway Board contemplate of providing an alternative job with due regard to his health is not also in dispute. On this, itself respondent is bound to examine the claim of the applicant for an alternative job and make his orders thereon:

6. Even otherwise the claim calls for a sympathetic consideration. We have every hope and

-: 3 :-

trust that the respondent will do so. On this view, we leave open all other questions.

7. In the light of our above discussion we allow this application and direct the respondents to consider the case of the applicant for an alternative job with all such expedition as is possible in the circumstances of this case and in any event within a period of three months from the date of receipt of this order.

8. Application is disposed of in the above terms. But in the circumstances of the case we direct the parties to bear their own costs.



Sd/-
(VICE-CHAIRMAN) 22/2/39
TRUE COPY

Sd/-
MEMBER (A) 22-2-39

B. Venkatesh Rao
DEPUTY REGISTRAR (JDY) 313
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE