

(9)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

Tr.2/90

Sulaiman Akbar Ali,  
Kureshi Nagar, Haji Sahib Ka Chawl,  
Chawl No.4, Kurla,  
Bombay - 400 070.

.. Applicant

vs.

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

.. Respondent

Coram: Hon'ble Shri Justice U.C.Srivastava, Vice-Chairman  
Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Applicant in person.
2. Mr.P.R.Pai  
Counsel for the respondent.

ORAL JUDGMENT:

Date: 12-6-1991

(Per U.C.Srivastava, Vice-Chairman)

This is a transferred application under Section 29 of the Administrative Tribunals Act.

2. The applicant was appointed as a substitute Khalasi in the Carriage and Wagon Department of the Central Railway at Dadar on 2nd November, 1974. After two months he was transferred to Kalyan. He worked in the same post as a substitute Khalasi for  $4\frac{1}{2}$  years. Thereafter he was told that his services were put to an end. The reasons for the same was that he was not found medically fit for Class B-I category.
3. The applicant made a representation that if he is not fit for B-I category then he may be appointed in C-I category. But his application was not entertained on the ground that he was not a regular employee but a substitute Khalasi.
4. The Railway administration in their reply stated that this was intimated to him by the respondents

to his residential address at Kasaiwada, Kurla, Bombay but the said letter was received back by the Railways with the endorsement "Not known" However, this is denied by the applicant. Whatever may be the position it is not material for the purpose of this case.

5. After working for 4½ years the applicant attained the temporary status. He, thus, being temporary employee of the railway obviously his request for examining him for C-I category would have entertained and in case he was found fit for that category he should have continued in service. But the railway administration wrongly refused to do so.

6. Accordingly this application is allowed and the respondents are directed to examine the applicant for C-I category within a period of two months and in case he is found fit for the same he may be taken back in service on which C-I category people are taken. The applicant shall be reinstated in service in the C-I category if he is medically found fit but he will not be given backwages although he will be given continuity in service but not for the purpose of backwages. In case after found medically fit he is not taken back in service within a period of two months from the date of receipt of a copy of this order respondents shall pay him salary continuously even though they may not take work from him.

7. The application stands disposed of finally on the above lines and in the circumstances of the case there will be no order as to costs.

  
(M.Y. PRIOLKAR)  
Member(A)

  
(U.C. SRIVASTAVA)  
Vice-Chairman