

O.A. NO: 148/95  
T.A. NO:

199

DATE OF DECISION 17.4.95

Jagan Vithoba Waghmare

Petitioner

Shri P.C. Marpakwar

Advocate for the Petitioners

Versus

The Divisional Railway Manager

Respondent

South Eastern Railway Nagpur and others

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice M.S. Deshpande, Vice Chairman

The Hon'ble Mr. P.P. Srivastava, 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 ?

(M.S. Deshpande)  
Vice Chairman

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
CAMP AT NAGPUR  
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Original Application No. 148/95

Jagan Vithoba Waghmare

... Applicant.

V/s.

The Divisional Railway Manager  
South Eastern Railway  
Nagpur.

The Divisional Commercial Manager  
South Eastern Railway  
Nagpur.

The Senior Medical Superintendent  
South Eastern Railway  
Nagpur.

The Divisional Personnel Officer  
South Eastern Railway  
Nagpur.

... Respondents.

CORAM: Hon'ble Shri Justice M.S. Deshpande, Vice Chairman

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

Appearance:

Shri P.C. Marpakwar, counsel  
for the applicant.

None for the respondents.

ORAL JUDGEMENT

Dated: 17.4.95

{ Per Shri M.S. Deshpande, Vice Chairman }

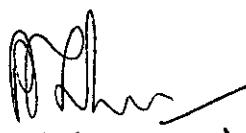
By this application the applicant seeks a direction to the respondents to pay his salary from October 1992 onwards and for a declaration that the applicant is unfit for Government Service based on the medical unfitness.

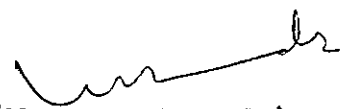
The applicant was employed with the respondents as Gangman in the year 1962 and was declared permanent with effect from 24.3.1963 as Gangman in Engineering Department. The applicant met with an accident 4 years later and was appointed as Waterman/R.G. Peon in the Commercial Department at Kamptee. He proceeded on sick leave with effect

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from 11.5.92 and due to cataract in both eyes the applicant was under continuous treatment of respondent No.3 from 11.5.92. There were several other complications due to which he was issued unfit certificate. The respondent did not take any action for retiring the applicant on medical grounds nor paid him the wages from October 1992. The applicant applied for voluntary retirement on medical grounds on 6.4.93 but there was no response to this application.

There is no appearance for the respondents inspite of the notices issued to them. We therefore direct the respondents to consider the applicants claim. The learned counsel for the applicant states that applicant does not seek voluntary retirement because he may not get any benefit for the service which he has rendered and he would seek retirement on medical grounds. We, therefore, direct the respondents to consider the claim of the applicant for retirement on the ground of medical unfitness and work out his pensionary benefit as well as wages due to him during the period of his absence within two months from the date of communication of this order. With this direction this O.A. is disposed of.

  
(P.P. Srivastava)  
Member (A)

  
(M.S. Deshpande)  
Vice Chairman

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

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RP.NO.(N) 14/95

in

OA.NO. 148/95

D.R.M., S.E.Railway, Nagpur & Ors. ... Applicants

V/S.

Jagan Vithoba Waghmare ... Respondent

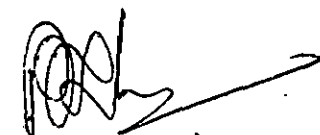
CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande  
Hon'ble Member (A) Shri P.P.Srivastava

Tribunal's Order By Circulation

Dated: 12-9-1995

(PER: P.P.Srivastava, Member (A))

We have gone through the review application. No new facts have been brought out by the applicant (who were respondents in the OA.) neither the review petition brings out any error apparent on the face of the record. The only point which has been brought out by the review petitioners is that the counsel was not available when the case was heard. This alone would not warrant a review of the judgement since no new facts have been brought out, neither the review petition brings out any error on the face of the record. The review petition is, therefore, dismissed in-lemine.

  
(P.P.SRIVASTAVA)

MEMBER (A)

  
(M.S.DESHPANDE)

VICE CHAIRMAN

Copy To:-

The Union of India & Ors.,  
through the Divisional Personnel Officer,  
South Eastern Railway,  
NAGPUR.

2. Mr. J.V. Waghmare,  
R/a. Chandramai Nagar,  
Near Kochar's Bungalow,  
Kamptee, NAGPUR.

SECTION OFFICER.