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In the Central Administrative Tribunal, Jodhpur
Bench at Jaipur.

Date of Order: January 21, 1991.

O.A. No. 923/89.

Ramji Lal ...Applicant.

Mr. B.M. Sharma ...Counsel for
Applicant.

Vs.

Union of India & others ...Respondents.

Mr. R.N. Mathur ...Counsel for Respondents.

CORAM:

The Hon'ble Mr. Kaushal Kumar, Vice Chairman

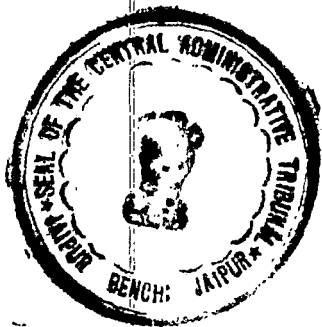
The Hon'ble Mr. S.R. Bhansali, Judl. Member.

KAUSHAL KUMAR, VICE CHAIRMAN:

In this Application filed u/s 19 of the Administrative Tribunals Act, the applicant has challenged his transfer vide order dated 6.10.88 filed as Annex. A/1 with the Application, by which he was transferred from Gate No. 221 'C' where he was working as a Gateman to Unit No. 76 as a Gangman.

2. The facts of the case may be briefly noticed below :-

The petitioner was initially appointed on the post of Gangman in the year 1980. When he was working in Unit No. 105 'A', he met with an accident on duty and received fracture in his right leg and he became disabled to perform the duty of a Gangman. According to the averments made in the Application, the Medical Officer gave certificate to the petitioner



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to perform light duties and he submitted the certificate in the office of P.W.I. at the relevant time. * The applicant was posted at Gate No. 221² as a Gateman and he had been performing his duty as a Gateman till the impugned order of transfer posting him as Gangman, was issued.

3. The learned counsel Mr. R.N. Mathur appearing for the Respondents, contends that the medical certificate, which was issued on 8.10.80 and which has been filed with the counter reply, merely states that "The applicant should resume duty when his wound on right foot portion is healed. He may be given symptomatic treatment meanwhile."

4. We have considered the various contentions and find that the applicant had worked as a Gateman for a long period of eight years and there is nothing on the record to show that he is medically fit to discharge the duties of a Gangman. It is the contention of the learned counsel for the Respondents that initially he was posted as a Gateman although there was no specific medical recommendation to that effect.

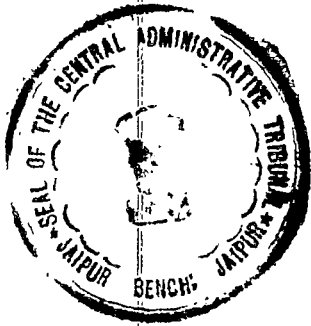
5. We feel that the applicant having worked for nearly eight to ten years as a Gateman, he should really be physically fit to discharge duties of a Gangman before he is required to discharge duties in that capacity. The learned ~~counsel~~^W counsel for the applicant states that after issue of the impugned transfer order, the applicant has not joined his duty and is on sick leave.

6. In the circumstances of the case and as

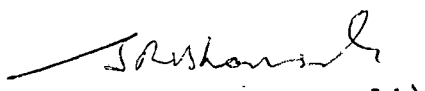


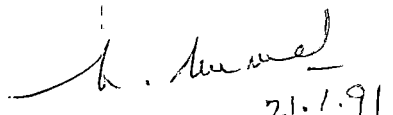
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agreed to by both the learned counsel, we direct that the applicant shall make a representation to the competent authority within a period of one month from today regarding his positing as a Gateman duly supported by a medical certificate issued by a Railway Medical Officer for posting as a Gateman or in any other capacity requiring light duties and the said representation shall be sympathetically considered by the Respondents and disposed of within a period of two months from the date of receipt of the representation duly supported by the medical certificate.



7. The present Application stands disposed of with the above direction with no order as to costs.


(S.R. Bhansali)
Judl. Member


21.1.91
(Kaushal Kumar)
Vice Chairman