

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 990/92

Date of decision: 26.8.94

SMT. PRABHATI

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. P.C. Jain : Counsel for the applicant.

Mr. S. S. Hasan : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties.

2. The applicant was medically found fit and the medical certificate was also issued vide Annexure A-1 on 16.8.85. The contention of the applicant is that she is working since 1981. It is an admitted position that she got the temporary status as a Gangman.

3. The respondents have come with a case that she being a lady cannot do heavy work of permanent nature. Further, she being a lady, her physical capacity is not equal to a male labour. It was also pointed out that it is not possible for a lady to lift the rails, crossing switches and heavy sleepers. The submissions made by the respondents in their reply are violative of Article 15 of the Constitution. It is a discrimination on account of sex.

4. The order dated 8.7.88 (Annexure A-3) of the respondents is set aside. The respondents are directed to proceed according to law and pass necessary orders afresh. The order should be complied within a period of three months from the date of the receipt of a copy of the order.

5. The O.A. is disposed of accordingly, with no order as to costs.

(O.P. SHARMA)
ADMINISTRATIVE MEMBER

(D.L. MEHTA)
VICE-CHAIRMAN