

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR.

Date of Decision : 04.8.93.

OA 643/92
(OA 839/89)

GANGA SAHAI SHARMA ... APPLICANT.

Vs.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON. MR. GOPAL KRISHNA, MEMBER (J).
HON. MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI R.C. GAUR.

For the Respondents ... SHRI S.S. HASAN.

PER HON. MR. O.P. SHARMA, MEMBER (A).

The applicant has filed this OA praying that the order dated 31.3.89, transferring him to the post of Box Boy, and the order dated 11.5.89, still further transferring him as Running Room Bearer, may be quashed and that the respondents may be directed to promote/appoint the applicant on the post of Junior Clerk on regular basis. At the very outset, the learned counsel for the applicant does not press for the relief regarding appointment of the applicant as Junior Clerk. We, therefore, confined ourselves to the consideration of the relief sought regarding cancellation of orders dated 31.3.89 and 11.5.89.

2. The applicant was appointed in the Railways as Coalman in 1957. While on duty he suffered an injury and lost one eye. He was medically examined for an alternative job. On the basis of the result of such examination, he was offered the post of Store Khalasi on 6.2.61. He worked on the said post till 31.3.89. On 31.3.89, he was transferred to the post of Box Boy. Still later on 11.5.89, he was transferred to the post of Running Room Bearer. It is the case of the applicant that because of his physical disability he is not in a position to perform the more arduous duty of Box Boy and Running Room Bearer. He should, therefore, be allowed to be continued on the post of Store Khalasi.

3. The learned counsel for the respondents states that these three jobs are inter-changeable, carrying the same scale of pay. This position is not disputed by the learned counsel for the applicant as well. The learned counsel for the respondents also states that the post of Store Khalasi at the particular Railway Station, at which the applicant was posted, has since been abolished and therefore he cannot be offered the said post now. The question, however, remains whether in view of the physical condition of the applicant he is in a position to perform any of the two new jobs which were successively ^{offered} appointed vide orders dated 31.3.89 and 11.5.89. It does appear to us that the duties involved for these two jobs are more arduous to those assigned to him earlier when he was functioning as Store Khalasi. In their reply, the respondents have mentioned certain other jobs also which are inter-changeable with those which were offered to him, ^{including} include the job of Waterman, which admittedly is

less arduous in nature. The learned counsel for the respondents states that the administration is prepared to offer him a less arduous job out of those which are interchangeable with the job now offered to the applicant in view of his physical condition.

4. After considering the nature of the various interchangeable jobs, mentioned at page 4 of the reply of the respondents, we feel that the job of Waterman is less arduous ^{than} of those mentioned therein and would be one which the applicant can perform efficiently in his present condition of health. We, therefore, direct that the respondents may offer the job of Waterman to the applicant by withdrawing their earlier order dated 11.5.89. The respondents shall comply with this order within a period of two months from the date of receipt of this order.

5. The OA stands disposed of accordingly, with no order as to costs.

(O.P. SHARMA)
MEMBER (A)

Gopalk
(GOPAL KRISHNA)
MEMBER (J)