

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.950/89.

Date of Judgment: 3.7.90

P.N.Muniratnam

.. Applicant

Versus

The General Manager,
South Central Railway,
Secunderabad
& others

.. Respondents

Counsel for the Applicant : Shri G.Ramachandra Rao,
Advocate.

Counsel for the Respondents : Shri N.R.Devaraj,
SC for Railways.

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl).

Hon'ble Shri R.Balasubramanian : Member(Admn).

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) I.

This is an application filed by Shri P.N.Muniratnam
under section 19 of the Administrative Tribunals Act
against the General Manager, South Central Railway
and others.

2. The applicant was initially engaged as a Casual Labour
Khalasi and worked as such from 7.12.75 onwards. The
applicant was empanelled for absorption as Gangman on
regular basis and he was sent for medical examination
on 31.3.82. In the medical examination the applicant was

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Hon'ble Shri R.Balasubramanian : Member(Admn).

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2. The applicant was initially engaged as a Casual Labour
Khalasi and worked as such from 7.12.75 onwards. The
applicant was empanelled for absorption as Gangman on
regular basis and he was sent for medical examination
on 31.3.82. In the medical examination the applicant was
found unfit to discharge the duties of B.I category but was
however found fit for B.II category. He was accordingly

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discharged from service on 5.4.82 without offering him any alternative job on the ground that there were no sanctioned posts of Lascar or Watchman under the Chief Engineer (Construction), Southern Railway. Afterwards he was re-engaged as Casual Labour Khalasi between 3.4.84 to 10.8.84 and again from 25.2.85 to 10.7.85. Since 11.7.85 he has not been engaged on any work.

3. The applicant prays that the Tribunal direct the respondents to absorb him in any Class IV post under their administrative control.

4. There is no counter affidavit in this case.

5. We have heard the learned counsels for the applicant and the respondents. The facts of the case are ~~also heard~~ ^{not disputed}. The learned counsel for the respondents said that the applicant could not be employed in any B.II category for want of jobs. He also pointed out that even though he was discharged on 5.4.82 the Railways had been considerate in that they employed him subsequently on two occasions even though on short spells whenever ~~the~~ work was available. It is their point that the work in that organisation had also come down considerably consequent on completion of many ~~works~~ ^{projects} and it is not possible for them to engage him now. The learned counsel for the applicant however referred to Rule 2601 of I.R.E.M. and said that medically unfit candidates have to be provided alternative jobs.

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6. We find that the applicant was discharged from service on 5.4.82 and he is approaching the Tribunal at a very belated stage. We find that the case is badly hit by section 21 of the Administrative Tribunals Act and we accordingly dismiss the case with no order as to costs.

JK
(J. Narasimha Murthy)
Member (Judl).

R.Balasubramanian
(R. Balasubramanian)
Member (Admn).

Dated

3rd July 90

Superseded by
for Deputy Registrar (J)
5/7/90

To:

1. The General Manager, (Union of India), south central railway, Rail Nilayam, Sec'bad.
2. The Executive Engineer (Doubling) south central Railway, Guntakal.
3. The Senior Divisional Personal officer, south central railway, Guntakal.
4. One copy to Mr.G.Ramachandra Rao, Advocate, 3-4-498, Barkatpura chaman, Hyderabad-500 027.
5. One copy to Mr.N.R.Devaraj, SC for Railways, CAT., Hyderabad.
6. One copy to Mr.R.Balasubramanian:Member:(Admn.) CAT., Hyderabad.
7. One spare copy.

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COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR. B. N. JAYASIMHA: V.C.~~

AND

~~THE HON'BLE MR. D. SURYA RAO: MEMBER (JUDL.)~~

AND

~~THE HON'BLE MR. J. NARASIMHAMURTHY: M(J)~~

AND

~~THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)~~

DATE : 3.7.90

ORDER / JUDGMENT

~~D.A./R.A./C.A./No.~~

in

~~T.A. No.~~

~~W.P. No.~~

D.A. No. 950/89.

Admitted and Interim directions issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. ordered/Rejected.

No order as to costs.

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Final