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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1406/93

Date of Order : 12.11.93

BETWEEN:

Karnal Pani

.. Applicant.

A N D

1. The Union of India, rep.
by its General Manager,
South Eastern Railway,
Garden Reach, Calcutta.
2. The Chief Mechanical Engineer,
South Eastern Railway,
Garden Reach, Calcutta.
3. The Chief Engineer, S.E. Railway,
Waltair.
4. The Chief Medical Officer,
Calcutta.
5. The Chief Medical Superintendent,
Railway Hospital, S.E. Railway,
Waltair.

.. Respondents.

Counsel for the Applicant

.. Mr.N.Ram Mohan Rao

Counsel for the Respondents

.. Mr.C.V.Malla Reddy

CORAM:

HON'BLE Mr.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

HON'BLE Mr.R.RANGARAJAN : MEMBER (ADMN.)

(19)

O.A.NO.1406/93

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard the learned counsel for the applicant Shri N. Rama Mohan Rao and the learned Standing counsel for the respondents, Shri C.V.Malla Reddy.

2. The applicant joined service as Khalasi on 12.9.66 in the Loco Shed at Nowpada in the South Eastern Railway. Later he had promotions and by 1992 he was working as ~~xxx~~ ^{was sent} Machinist. On 2.11.1992, the applicant ~~went to~~ ^{was sent} the Railway ~~for~~ ^{for} special medical examination as it ~~is~~ ^{was} doubted ~~for~~ ^{by} the concerned authority ~~that~~ ^{about his capacity to work as machinist} he was ~~suffering from~~ ^{having} bilateral claw hands due to Hansen. The Doctor who examined the applicant certified that the applicant is unable to discharge duties of Machinist.

3. The applicant asserts that he is ~~sxxx~~ having grip of the hands and he can ~~xxx~~ handle tools and he can satisfactorily discharge duties as Machinist and the ~~alleged~~ ^{said} ~~handicap is~~ ^{or for} ~~ailment does not bar~~ his work, and he approached the Orthopedic surgeon of Rani Chandramani Devi Hospital & Rehabilitation Centre, Visakhapatnam and the latter certified that in spite of ~~the~~ ^{its} handicap, the applicant can discharge duties of Machinist as referred to therein and that the certificate dated 17.11.1992 is enclosed as Annexure-2 to this OA. Then the applicant submitted representation praying for reconsideration by the Chief Medical Superintendent of Railways at Visakhapatnam. When there was no response, this OA was filed praying for a declaration that the action of the 5th respondent ^{in holding} that the applicant is not suitable for employment as Machinist in the Loco Shed is illegal and improper and ~~to~~ ^{to} consequently direct the respondents ~~to~~ ^{to} applicant for reexamination ~~by~~ by the Chief Medical Officer, South Eastern Railway, Garden Reache, Calcutta with the help of an Orthopedic specialist Doctor or in the alternative to

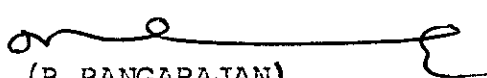
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direct the respondents to refer the case of the applicant to a Specialist Medical Board to examine at King George Hospital attached to Andhra Medical College, Visakhapatnam for declaration of his physical fitness to hold the post of Machinist.

4. It is stated for the applicant that the respondents offered the applicant the job of Chowkidar/Call Boy on medical decategorisation and the applicant had not given his willingness to join the post. He is not permitted to discharge the duties of Machinist in view of the certificate issued by the 5th respondent on 17.11.1992 ~~xxxxxxxxxxxx~~ ~~xxxxxxxxxxxx~~ to the effect that the applicant is not fit to discharge duties as Machinist. As one of the ~~Orthopedic Surgeon~~ ~~has~~ ~~the~~ ~~opinion~~ ~~that~~ ~~the~~ ~~applicant~~ ~~is~~ ~~not~~ ~~fit~~ ~~to~~ ~~discharge~~ ~~the~~ ~~duties~~ ~~as~~ ~~Machinist~~, it is just and proper to direct the 4th respondent viz., the Chief Medical Officer, South Eastern Railway, Garden Reache, Calcutta to reexamine the case of the applicant with the help of an Orthopedic Specialist Doctor. Time for compliance is three months from the date of receipt of this order.

5. The OA is ordered accordingly at the admission stage. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 12th November, 1993.
Open court dictation.


Deputy Registrar

To

1. The General Manager, Union of India, S.E.Rly, Garden Reach.
2. The Chief Mechanical Engineer, S.E.Rly, Garden Reach, Calcutta.
3. The Divisional Railway Manager, Waltair Division, S.E.Rly, Waltair.
4. The Chief Medical Officer, S.E.Rly, Garden Reach, Calcutta.
5. The Chief Medical Superintendent, Railway Hospital, S.E.Rly, Waltair.
6. One copy to Mr. N. Rammohan Rao, Advocate, CAT. Hyd.
7. One copy to Mr. C. V. Malla Reddy, SC for Rlys. CAT. Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

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TYPED BY

COMPARED BY

CHECKED BY *205*
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

R. Ranga Raju
THE HON'BLE MR. ~~A. B. GORTHI~~ MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM, M(A)

Dated: 12-11-1993

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

in

O.A.No. 1406/93

T.A.No. (W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

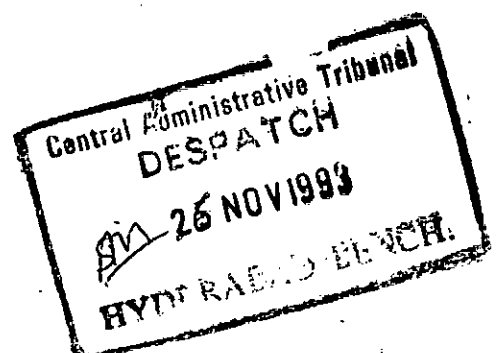
Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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