



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 1116/94.

Dt. of Decision : 24.10.94.

S.A. Peeran

.. Applicant.

Vs

1. Divisional Railway Manager,
SC Rly, Guntakal,
Anantapur District.
2. The Divisional Personnel Officer,
SC Rly, Guntakal,
Anantapur District.
3. Screening Committee,
PlovibruNPM,,
Guntakal, Anantapur District.

.. Respondents.

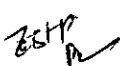
Counsel for the Applicant : Smt. Sesharajyam

Counsel for the Respondents : Mr. V. Bhimanna, Addl.CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)



OA 1116/94.

Dt. of Order: 24-10-94.

(Order passed by Hon'ble Shri A.V.Haridasan,
Member (J)).

* * *

This application has been filed by the applicant who was working as Electrical Signaller, maintenance, impugning the order dt.5-8-94 of the Sr.Divisional Personnel Officer, Guntakal, terminating his services on medical decategorisation, on the ground that he declined to accept alternate employment offered to him. It has been alleged in the application that as the applicant had undergone three major surgeries, he was held unfit to hold any post in B-I category but was fit to hold post in C-II category only. As his health condition did not permit him to take such a job, he submitted a request for voluntary retirement coupled with a request for providing employment to his son on compassionate grounds. As no decision has been taken on the applicant's representation, ~~earlier~~ earlier he filed OA 234/92 and the same was disposed of by this Tribunal on 21-3-94 finding that the applicant had rushed to the Tribunal without giving sufficient time to the Administration for taking decision. Pursuant to the above decision and taking into consideration the fact that the applicant did not wish to accept alternate employment, the Sr.Divisional Personnel Officer on 5-8-94 issued impugned order, wherein it is stated that as the applicant has not accepted alternate post, his services stood terminated with effect from 19-2-94 on medical decategorisation, indicating therein that arrangement would be made to settle his accounts early. The applicant's case is that the Respondents

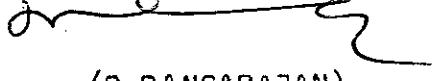
.....3.

have not considered the fact that the applicant had rendered long service and that he cannot accept alternate employment on account of his ill health.

2. When the application came up for hearing on admission,

Shri V.Bhimanna, learned counsel for the Respondents under instructions ^{from the respondents} ~~concerned~~ stated that the administration ~~concerned~~ ^{may} needs that the terminology ~~maxx~~ used in the respondents reply ^{was} ~~was~~ stood terminated is by mistake and that the applicant would be treated as retired on medical grounds with effect from 19-2-94 and all his pensionary benefits will be paid to him without any delay. Under these circumstances we are of the considered view that the application be disposed of with appropriate directions to the concerned authorities for settling the pensionary benefits within a specified time limit. In the result, the application is disposed of at the admission stage itself with a direction to the Respondents to treat the applicant to have ~~is~~ retired on medical invalidation on 19-2-94 and to grant him all pensionary ^{his due} ~~benefits~~ ^{PN} benefits within a period two months from the date of receipt of the pension papers in this regard by the applicant. The applicant is also directed to comply with all the formalities required to be complied in this regard within a period of one month from the date of communication of this order. It is made clear that it will be open to the applicant to make any other legitimate request in regard to employment of his son, which will be dealt by the appropriate authority in accordance with Law.

3. Original Application is disposed-of with the above directions. No order as to costs.


(R.RANGARAJAN)
Member (A)


(A.V.HARIDASAN)
Member (J)

Dt. 24th October, 1994.
Dictated in Open Court.


av1/ DEPUTY REGISTRAR(J)

Copy to:

1. The Divisional Railway Manager,
South Central Railway, Guntakal,
Ananthapur District.
2. The Divisional Personnel Officer,
South Central Railway, Guntakal,
Ananthapur District.
3. Screening Committee, O/O the DRM,
Provision of Alternative Post,
Guntakal, Ananthapur District.
4. One copy to Smt. Sesharajyam, Advocate, CAT, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

YLKR


YLKR
11/10/94.

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Compared by

Checked by

Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIOSAN : MEMBER(J)

AND

R.Rangarajan.

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

Dated: 26-10-94

ORDER/JUDGMENT.

M.A./B.P/C.P/No.

D.A. No. 1116/94 ✓ ⁱⁿ

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

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions. ✓

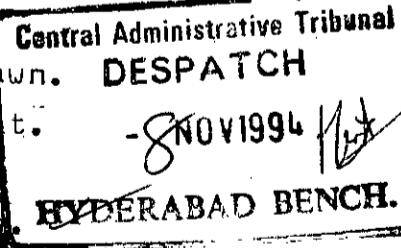
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



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Amulya