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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 983/96.

Dt. of Decision : 28-08-96.

V. Gaggaiah

..Applicant.

Vs

1. The Union of India, Rep. by
the General Manager, SC Rly,
Rail Nilayam, Sec'bad.
2. The Divl. Railway Manager,
SC Rly, Vijayawada Division,
Vijayawada, Krishna Dist.
3. The Sr. Divl. Personnel Officer,
SC Rly, Vijayawada Division,
Vijayawada, Krishna Dist. .. Respondents.

Counsel for the Applicant : Mr. G. Ramachandra Rao

Counsel for the Respondents : Mr.

CORAM:

THE HON'BLE JUSTICE Mr. B.C. SAKSENA : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

..2

ORDER

Oral Order (Per Hon'ble Shri R. Rangarajan, Member (Admn))

Heard Mr. G.Ramachandra Rao, learned counsel for the applicant. None for the respondents.

2. The applicant while working as Yard Porter at Gudur Railway Station was found medically unfit and he was found fit for A-2 category. He was temporarily accommodated as Gatekeeper from 19-1-96. ^{On the basis of the} ~~Committee formed to rehabilitate~~ ^{the} ~~the~~ ¹¹ was offered for the post of Call Boy by order No.B/P Con/11/MD/53 dated 22-4-96 (Annexure-V).

3. The applicant now submits that the post of Call Boy involves performing strenuous work. He also submits that he being a heart patient cannot perform ^{the} ~~the~~ ^{the} ~~the~~ ^{duty} ~~duty~~ effectively. He further states that there is a vacancy in the post of Waterman available at Gudur and the Station Manager, Gudur by his letter No.GDR/Staff/95-1 dated 3-9-95 (Annexure-XI) had recommended to post him against that post. But instead of offering that post to him, he has been posted as a Call Boy which is against the rule. The applicant relies on sub para-6 of Rule 1306 of IREM Vol.I to state that when a suitable post in which he can be accommodated ^{Consequent} ~~consistencies~~ ^{is available} ~~he~~ his medical unfitness ^{he} ~~he~~ should be offered that post. In the present case the post of Waterman is vacant and he can perform ^{the} ~~the~~ ^{duty} ~~duty~~ well ^{which is in} ~~which is in~~ ^{is} ~~is~~ consistent with his health condition. But ignoring that, the authorities posted him as a Call Boy and hence he has filed this OA for setting aside the proceedings No.BP/11/III/Voce/1 Vol.3 dated 22-4-96 and 10-5-96 of R-3 and for consequential direction to the respondents to appoint him in the alternative post as WaterBoy, Watchman, Peon or Attender.

4. The applicant has represented his case by his representation dated 27-05-96 (Annexure-IX) to the General Manager (R-1 herein) for the above relief. But it is stated that the representation is yet to be disposed of. In the circumstances of the case, R-1 is directed to dispose of the representation taking due note of the recommendation of the Station Manager, Gudur (Annexure-I) and also keeping in mind the sub para-6 of ~~para~~ 1306 of IREM Vol.I in this connection. R-1 should dispose of the representation within a period of two months from the date of receipt of a copy of this order. In the mean time if the applicant applies for leave, the same should be ~~disposed of~~ ^{Granted to him} in accordance with the rules.

5. The OA is disposed of as above at the admission stage itself. No costs.

one
(R. Rangarajan)
Member(Admn.)

B.C. Saksena
(B.C. Saksena)
Vice Chairman

Dated : The 28th August 1996.
(Dictated in Open Court)

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Amulya
D-R (S) *18/8/96*

O.A.NO.983/96

Copy to:

1. The General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
2. The Divisional Railway Manager,
South Central Railway,
Vijayawada Division,
Vijayawada, Krishna District.
3. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada Division,
Vijayawada, Krishna District.
4. One copy to Mr.G.Ramachandra Rao, Advocate,CAT,
Hyderabad.
5. One copy to Mr. SC for Railways,
CAT, Hyderabad.
6. One copy to Library,CAT, Hyderabad.
7. One duplicate copy.

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11/9/96 8/983/96
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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 28.8.96

ORDER, JUDGEMENT
R.A/C.P./M.A. NO.

in
O.A. NO. 983/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS ✓
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

NO Spare Copy

Not executed

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH

- 9 SEP 1996 N.Y.

हैदराबाद व्यापीठ
HYDERABAD BENCH