

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : AT HYDERABAD

HYDERABAD BENCH

C.A.No.249/96

Date of Order: 25.3.96

BETWEEN:

K.Lakshmi Kanthamma

.. Applicant.

A N D

1. The Divisional Railway,
Manager (Personnel),
South Central Railway,
Vijayawada.

2. The Medical Superintendent,
Railway Hospital,
South Central Railway,
Vijayawada.

3. The Station Superintendent,
Bhimadolu, Railway Station,
Bhimadolu.

.. Respondents.

Counsel for the Applicant

.. Mr.G.V.Subba Rao

Counsel for the Respondents

.. Mr.J.R.Gopal Rao

CORAM:

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

JUDGEMENT

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

* * *

The applicant in this OA was engaged as a summer water women from 8.4.83 during summer season at Bhimadolu railway station under the control of R3. It is stated that she was granted temporary status w.e.f. 8.4.86 vide office order No.IV-FC/Comml/105/87 dated 26.6.87.

2. While she was working as a seasonal summer water women she was sent for medical examination in the Railway Hospital at Vijayawada in 1990 for absorption against the Group 'D' post. She was advised to wear spectacles and later she was kept under observation for a month. She was further asked to go to a lady doctor for examination and the lady doctor informed that she was having suspected cancer and as there was no treatment available in the railway hospital she has suggested to go to a specialist for the suspected cancer. It is stated that the applicant approached M/s Apple Diagnostics Private Limited, Vijayawada and it is also stated that she was given a certificate that there was no malignancy seen and a certificate to that effect was issued to her. It is further alleged that she was not given even the seasonal appointment as Summer Water Women during the summer season though she has been approaching the authorities. She submitted a representation on 13.9.94 requesting for casual appointment during summer season. It is further alleged that there was no response to that representation.

3. This OA is filed praying for a direction to the respondents to engage ^{heras} a summer water women and regularise her services in Group 'D' category.

4. The applicant was not engaged even as a seasonal water women after 1990 as she was suffering from suspected cancer. Though M/s Apple Disgnostics Private Limited had given a certificate stating that there is no malignancy found ^{if she is fit} in her she was not given even the seasonal appointment. Even her representation dated 13.9.94 left unanswered. In the circumstances it is justifiable to issue a direction to R1 and R2 to examine her regarding her medical fitness taking note of the certificate issued by M/s Apple Disgnostics Private Limited, Vijayawada. If she is found fit in all respects for engagement as a seasonal water women she may be engaged in that capacity from the ensuing summer season instead of taking any freshers as seasonal water women. If she is not found fit it is needless to say that she cannot be engaged. If any further ^{be} test is required to done for her ailment ^{and} if no facility is available in the railway hospital she should be directed to get the necessary examination done by approaching other hospitals private or government. But the cost for such re-examination outside the railway hospital should be ^{born} borne by the applicant.

5. In the result, the following direction is given:- The applicant should be medically examined for her fitness as seasonal Water Women. If she is found fit she should be engaged as a seasonal water women from the ensuing season in preference to the freshers from open market if such freshers are engaged as seasonal water women. If she is not found fit it is needless to say that she cannot be engaged. In case

.. 3 ..

if facilities for examining for her suspected disease is not available with the railways she should be asked to get her examined outside the railway examination at her cost and produce the certificate. Her regularisation will depend on the basis of the medical certificate to be issued, ^{by the medical} and in ^{authorities} accordance with the rules.

6. The O.A. is ordered accordingly. No costs.

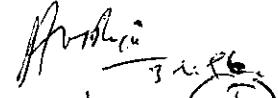


(R.RANGARAJAN)
Member (Admn.)

Dated: 25th March, 1996

(Dictated in Open Court)

sd


Dy. Registrar (S)

contd. . .



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Copy to:

1. The Divisional Railway Manager,
(Personnel)South Central Railway,
Vijayawada.
2. The Medical Superintendent,
Railway Hospital,
South Central Railway,
Vijayawada.
3. The Station Superintendent,
Bhimadolu Railway Station,
Bhimadolu.
4. One copy to Mr.G.V.Subba Rao, Advocate,
CAT,Hyderabad.
5. One copy to Mr.J.R.Gopal Rao, Addl.CGSC,
CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One spare copy.

YLKR

OP 249/96
15/4/96

TYPED BY
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.SORTHI : MEMBER(A)

HON'BLE SHRI R.Ranganajan : M(A)

DATED: 25.3.96

ORDER/JUDGMENT

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

IN

D.A.NO. 249/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED —

NO ORDER AS TO COSTS

* * *

No. 249/96

