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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1133/97.

Date of decision: 2nd September, 1997.

Between:

P.Narayana Rao.

.. Applicant.

and

1. The Junior Engineer (Projects)-I,
S.E.Rly., Vizianagaram - 535 203.
2. The Bridge Inspector (OL), SE Rly.,
Contonment PO, Vizianagaram 535 203.
3. The Asst. Engineer, SE Rly.,
Vizianagaram - 530 004.
4. The Divisional Railway Manager,
SE Rly., Visakhapatnam 530 004.
5. The Chairman, Railway Board
(reptg. Union of India), Rail Bhawan,
New Delhi 110 001. .. Respondents.

Counsel for the applicant: Sri C.Suryanarayana.

Counsel for the respondents: Sri N.R.Devaraj.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J).

JUDGMENT.

(per Hon'ble Sri R. Rangarajan, Member (A))

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Heard Sri C.Suryanarayana, learned counsel for the
applicant and Sri N.R.Devaraj, learned standing counsel for
the respondents.

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The applicant submits that he was in Railway service as a casual labourer earlier to 1981. Because he was a casual labourer prior to 1981, he ~~represented~~ that his name has to be included in the Supplementary Live Register but that was not accepted. Hence he filed O.A.No.548/92 which was disposed of on 10--3--1994. In pursuance of the directions given in that O.A., his name was entered in the Live Casual Labour Register. A direction was also given in that O.A., to consider his case for appointment, if his junior, on the basis of ~~the~~ entry of his name in the Live Register, has already been appointed regularly. The applicant in this O.A. submits that number of his juniors were appointed as Gangmen in various sections who were junior to him. ~~On~~ the basis of number of days he has put in as a casual labourer, ~~he~~ he was sent for medical test, but he was not found fit ~~to appoint~~ for appointment in the category of Gangmen as he is physically handicapped. Then he requested for medical examination in C-1 category but his request was not complied with.

In view of the above, he filed this O.A., praying for a direction to the respondent Authorities to send him to C-1 Medical Examination and appoint him either in an office or as a Bridge Chowkidar or even as a Safaiwala.

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The applicant ~~was~~ sent for Medical Examination for B-I Category. It is stated that he was not found fit in that category. Whether he should be sent for a lower Medical category against Physically Handicapped quota has to be determined by the Respondents Authorities on the basis of availability of the ~~of the~~ posts and the categories for absorbing him against the lower medical standard. Hence, no further directions ^{can be} given in this connection unless the facts are fully known. But we are of the opinion that the General Manager can decide this issue after checking all the details of the applicant on the basis of the representation/whether to send him for Medical Examination under C-1 Medical category or not. If the General Manager satisfies ^{himself} that the applicant can be sent for that category viz., C-1 and also work is available to employ him ^{under} ~~in~~/the Medical standards for which he is suitable, ~~the~~ he has to pass orders in this connection.


In view of the above, the following directions are given:

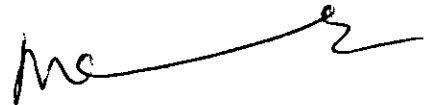
- a) The applicant, if so advised, ^{may} submit a detailed representation to the General Manager, within two months from the date of receipt of a copy of this order, requesting him to appoint him in any post in accordance with his Medical Standards.
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The applicant in his representation may indicate the categories^{for} which he can be considered for appointment as per his Medical Standards.

- b) If such a representation is received from the applicant by the General Manager within the stipulated period, the General Manager shall dispose of that representation within three months from the date of receipt of the representation in accordance with law after ascertaining the position from the concerned Division.

The O.A., is ordered accordingly at the admission stage itself. No costs.


B.S. JAI PARAMESHWAR
MEMBER (J)
2.9.97


R. RANGARAJAN,
MEMBER (A)

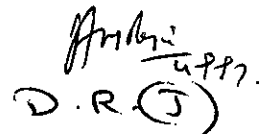
Date: 2nd September, 1997.

Dictated in open Court.

SSS.

C.C. by Ffiday.
(B.O.)




D.R. (J)

Copy to:

1. The Junior Engineer, (Projects)-I, South Eastern Railway, Vijayanagaram.
2. The Bridge Inspector, (DL), South Eastern Railway, Contonment PO, Vizianagaram.
3. The Asst. Engineer, South Eastern Railway, Vizianagaram.
4. The Divisional Railway Manager, South Eastern Railway, Visakhapatnam.
5. The Chairman, Railway Board, Rail Bhavan, New Delhi.
6. One copy to Mr. C. Suryanarayana, Advocate, CAT, Hyderabad.
7. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
8. One copy to D. R. (A), CAT, Hyderabad.
9. One duplicate copy.

YLKR

12/9/97

cc by Friday

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B. S. JAI P. R. MESHWAR:
(M) (J)

Dated: 2/9/97

ORDER/JUDGEMENT

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

in

C.A. NO. 1133/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

डेस्पच/DESPATCH

10 SEP 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH

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