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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.544/99

dt.30-6-99

A. Sundaraiah : Applicant

vs.

1. Divisional Rly. Manager
SC Rly, Guntakal Division
Guntakal

2. Genl. Manager
SC Rly., Railnilayam
Secunderabad

3. Secretary
Railway Board
New Delhi

4. Secretary
Min. of Railways
Govt. of India
New Delhi

: Respondents

Counsel for the applicant : PVP Mrutymjaya Rao
Advocate

Counsel for the respondents: CV. Malla Reddy
SC for Railways

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Paramashwar, Member (Judl.)

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Order

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn.))

Heard Mr. P.V.P. Mrutyumjaya Rao for the applicant and Mr. Venugopal for Mr. C.V. Malla Reddy for the respondents.

1. The applicant in this OA was removed from service as per order No.3/1 dated 31-10-1990. However, on his appeal he was reinstated by order No.G1/90/D&A/IV/91/A5/694 dated 19/25-2-92.
2. The applicant submits that immediately after that he approached the Assistant Engineer for taking him back on duty. But the Assistant Engineer did not oblige. Later on he also approached the medical authorities wherein also he failed. He could not join immediately after his reinstatement on the basis of appeal order as he was attacked by paralysis and became invalid. The applicant also submits that in the year 1997 (Annex.5) he submitted a representation to Respondent-1 requesting for discharge from service on medical grounds. He also submits that he had got proof of sending that vide postal acknowledgement but the applicant did not get any reply from Respondent-1.
3. The applicant filed this OA praying for a direction to the respondents to arrange for the medical examination of the applicant and discharge him from service if warranted on the basis of medical report and also consider for invalid pension and other retirement benefits.
4. A reply has been filed in this OA. The respondents denied having received any representation from the applicant for the above reliefs. Though the applicant

submits that his representation to Respondent-1 dated 6-3-1997 was received by the Divisional authorities the respondents in their reply did not comment on that.

5. The main contention of the applicant in this OA ^{is} ~~was~~ that he was sick and he could not move about for joining duty and his request for considering ^{his case} ~~report~~ was also refused by the medical authorities. As he is fully incapacitated ~~and hence~~ a humanitarian view should be taken to examine his case on the basis of sickness and discharge him from service ^{on} the basis of his incapacitation due to to paralytic attack.

6. It appears from the above submissions that the applicant needs humanitarian consid^{er}ation. In view of the above, the following directions are passed :

i) The applicant if so advised may submit a detailed ^{K.G.M/S.C. Rly} representation ^{for} medical examination by the medical authorities and on that basis he may request for his discharge from service as he was ~~not~~ reinstated by the appellate authorities.

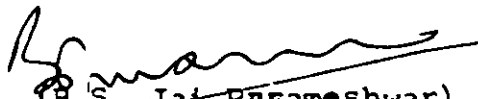
ii) If such a representation is received by the General Manager that representation should be disposed of within a period of one month from the date of receipt sympathetically considering that the applicant is a poor employee and also is bed-ridden due to sickness.


iii) If his case is decided ^{in his favour} ~~to~~ discharge him due to medical unfitness he should be paid retirement benefits if any, in accordance with law.

iv) The applicant if he ~~is~~ desires to meet the General Manager, the General Manager may give him a personal

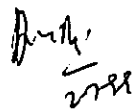
hearing before disposing of his representation.

7. With the above directions the OA is disposed of at the admission stage itself. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)
30.6.99


(R. Rangarajan)
Member (Admn.)

Dated : June 30, 99
Dictated in Open Court


2000

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COPY TO:-

1. HONNJ
2. HHRP M(A)
3. HBSJP M(J)
4. D.R.(A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD :
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B.S. JAI PARAMESWAR :
MEMBER (J)

ORDER: 30/6/99

ORDER / JUDGEMENT

MA./RA./CP No.

in

DA. No. 544/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

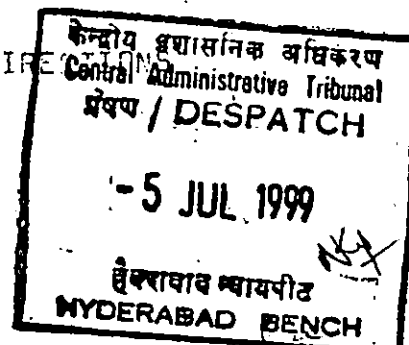
DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS.

SRR



C.O.
At the time of approval
of H.R. member

8/8/1999