

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.655/99

DATE OF ORDER : 16-07-1999.

Between :-

Koppisetty Madhusudhana Rao

And

... Applicant

1. The Divisional Railway Manager,
S.C.Railway, Vijayawada Division,
Vijayawada.
2. The General Manager, SC Rlys,
Sec'bad.
3. The Secretary, Railway Board,
New Delhi.
4. The Secretary, M/o Rlys,
New Delhi.



... Respondents

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Counsel for the Applicant : Shri PVP Mruthyunjaya Rao

Counsel for the Respondents : Shri C.V.Malla Reddy, SC for Rlys

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CORAM:

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

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

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)). *J*/₁₆

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... 2.

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)).

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Heard Sri FVP Mruthyunjaya Rao for the Applicant and
Sri CV Malla Reddy for the Respondents.

2. The Applicant, while working as AC Mechanic Gr.I under Respondent No.1, fell ill in November, 1992 and was eventually downgraded in June, 1998 to B-I/II Medical Category with a specific recommendation that he should be posted away from live electricity, fire, water and moving machinery. He did not choose to lodge any appeal against the decategorisation, expecting evidently that an alternate job would be offered to him on medical decategorisation as per the extant rules of the Department. The Applicant's grievance is that he was offered jobs which were two ranks lower than the one he was holding at the time of decategorisation. He was discharged from service on 5.2.1999. He contends that the impugned order issued by Respondent No.1 dis-charging him from service with effect from 26.1.1999 AN(Annexure-I) is illegal and complains that no show-cause notice had been served on him prior to the impugned action.

3. It is submitted by the learned Additional Standing Counsel for the Respondents that the Applicant was screened as many as six times for an alternate job and was made certain offers which were turned down by him. The Applicant states that he would have had no objection in accepting such offer(s) had he known that his pay would

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...3.

be duly protected in the new appointment. This essential safeguard was never clearly spelt-out.

4. It is seen from para-6(c)(ii) on page-2 of the counter-affidavit that the respondents were prepared to absorb him in a suitable cadre/appointment, in a reasonable pay-scale, having regard to the emoluments drawn by him at the time of discharge. Sri CV Malla Reddy confirms that the department is prepared to protect the last pay drawn by the Applicant.

5. It is submitted on behalf of the Applicant that he is willing to accept the appointment of a Stores Watchman on the clear understanding that the pay last drawn by him as AC Mechanic shall be duly protected.

6. In view of the submissions made by the learned counsels, the OA is disposed of with a direction that necessary steps may be taken to appoint the applicant as Stores Watchman, or any other suitable post, within one month from today. The order issued by APO/Elec. on behalf of Sr.DPO/BZA (No.B/P11/II/GS dated 5.2.1999) is set aside to facilitate further necessary action in compliance with the above direction.

7. Thus the O.A. is disposed of. No costs.

प्रमाणित प्रति
CERTIFIED TRUE COPY

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OA 655/99 |

16/7/99

26/7/99

[Signature]

Officer

avl/

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Counsel for the Respondents : Shri C.V.Malla Reddy, SC for Rlys

-- -- --

CORAM:

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

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

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)) . 8/16/99

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(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)).

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
7. Thus the O.A. is disposed of. No costs.


(H. RAJENDRA PRASAD)
Member (A)


(D.H. NASIR)
Vice-Chairman

Dated: 16th July, 1999.

Dictated in Open Court.


21-7-99

1st AND 2nd COURT.

COPY TO:-

- 1. HON'D
- 2. HRRP M(A) ✓
- 3. HBS P M(J) ✓
- 4. D.R. (A) ✓
- 5. SPARE ✓

TYPED BY
CLEARED 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 (ADMIN) ✓

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMIN)

THE HON'BLE MR. D. S. JAI PARAMESHWAR
MEMBER (JUDL)

ORDER: Date. 16.7.99.

ORDER / JUDGMENT

MA./RA./CP.NO
IN
DA.NO. 655/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

(9 copies)

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

केन्द्रीय प्रशासनिक अपील निकाय
Central Administrative Tribunal
दस्तावेज / DESPATCH
12-8 JUL 1999
HYDERABAD BENCH