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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 5/94

Date of decision: 8.4.94

HIRA LAL

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. V.K. Mathur : Counsel for the applicant.

Mr. M. Rafiq : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

The applicant is a retired employee. He has challenged the order dated 10.7.92 (Annexure A-1) declining to award the benefit of accident free services on retirement. Admittedly, throughout the service, the applicant has rendered the services which are accident free and has not been even asked about any matter. The submission made on behalf of the respondents is that as Driver Passenger he has worked for a period of 13 months only and prior to that he was Loco Instructor. The ground of refusal is that he was appointed as Driver 'C', however, he refused the promotion on the post of Driver 'C'. As such, he was debarred for one year and continued as Shunter till 24.9.84. Admittedly, thereafter, he was not posted as Driver 'C' on the post of Driver before 11.4.89. Prior to 24.9.84, he was Shunter, Driver Assistant and Fireman. All these duties of Fireman, Driver Assistant, Shunter are the duties of the running staff and any lapse or any negligence may result in the dislocation of service or accident. Vide Annexure A-4, Railway Board has issued guidelines dated 25.4.77. Even the Pointsman, Cabinman, Switchman etc. fall within the zone of consideration. In clause (C), there is a specific direction that on the traction side a person who may join as Khalasi in Loco Shed gets promotion as Fireman, then as Driver and retired as Driver, if he is very lucky in Grade 'A'. But even if a Driver gets promoted as a

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as
Power Controller or/Power Transportation Inspector or Loco Foreman, his job involves supervision in safety matters and restoration work at accident sites etc. Similar is the position in Diesel and electric traction, where the staff normally join as Assistant Drivers. In these cases, the directions are that the entire service career has to be taken into account for purpose of the award. In Annexure A-5, directions have been given on 7.12.89 that there will ~~not~~ no change in the categories of their eligibility for the accident free service award.

2. In the light of the Annexure A-4, the submissions made by the respondents cannot be accepted as a correct ground for the refusal of the accident free award. The services of the applicant, as referred to above, including the Driver Assistant, Shunter etc. will have to be counted for the purpose of accident free award.

3. In the result, the letter dated 10.7.92(Annexure A-1) is set aside, The respondents are directed to reconsider the case of the applicant in the light of the directions given by this Court. The case may be decided within a period of three months from today and necessary orders should be passed in this regard. As far as the question of fixation is concerned, the applicant will be at liberty to file a fresh petition. The joint petition cannot be entertained in such cases.

4. The O.A. is disposed of accordingly, with no order as to costs.

(D.L. JETHI)
Vice-Chairman