

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.291/96

Date of order: 1.12.1997

Vichitra : Applicant

Vs.

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Permanent Way Inspector, Western Railway, Kota Division, Shyamgarh.

...Respondents.

Mr. Shiv Kumar - Counsel for applicant

Mr. Manish Bhandari - Counsel for respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. O.P. Sharma, Administrative member.

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Shri Vichitra has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to take him on duty and to pay the monthly salary for the intervening period during which he has been kept away from the job. He has further prayed that if the applicant has been medically declassified, suitable alternative job may be given to him.

2. The facts giving rise to this application are that the applicant was employed on the post of Gangman at Garoad under PWI Shyamgarh, in the Kota Division of the Western Railway. He was granted temporary status w.e.f. 1.1.1983. He was in the regular pay scale of Rs.196-232 (RS) w.e.f. 1.1.1984 vide order dated 8.10.1987. He was promoted on the post of Gangman on regular basis in Group-D service scale Rs.775-1025(R.P) vide order dated 27.8.1990. He developed an injury in his right eye and he was examined by a Medical Board. Thereafter, the

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respondents did not take him on duty. On the contrary, the respondents have stated that the applicant has been declared medically unfit for Railway services on his medical examination and pursuant to the medical report he has been retired from the Railway service w.e.f. 28.9.1995.

3. We have heard the learned counsel for the parties and have carefully perused the records.

4. The applicant has been retired from Railway service on the ground of medical invalidation as evidenced by Annex.R2 & R3. The applicant has served the Railways from 25.5.1978 to 27.9.1995 ^{and} as such he is entitled to pensionary benefits.

5. In the circumstances, we direct the respondents to extend all the pensionary benefits to the applicant as may be admissible under rules. The above directions shall be complied with by the respondents within a period of 4 months.

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

(O.P.Sharma)

Administrative Member.

Gopal Krishna
(Gopal Krishna)

Vice Chairman.