

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 50/99

DATE OF ORDER : 22.11.2002

Lal Chand son of Shri Mangtu Ram resident of Gram Jaitpur,
Post Office Nangal Teju, Tehsil Bawal, District Rewari.

....Applicant.

VERSUS

1. Union of India through General manager, Western Railway, Head Office, Churchgate, Mumbai.
2. Divisional Railway Manager (Estt.), DRM Office, Near Railway Station, Western Railway, Jaipur.
3. Divisional Railway Manager, DRM Office, Western Railway, Jaipur.

....Respondents.

Mr. Manoj Pareek, Counsel for the applicant.

Mr. S.S. Hassan, Counsel for the respondents.

CORAM

Hon'ble Mr. G.C. Srivastava, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

PER HON'BLE MR. G.C. SRIVASTAVA, MEMBER (ADMINISTRATIVE)

Heard the learned counsel for the parties.

2. In this OA, the applicant who was working as Casual Gangman under the respondents has sought for the following reliefs:-

- i) to issue an appropriate order or direction to consider the case of the applicant for sedentary job.
- ii) to issue an appropriate order or direction the respondents be directed to give the monthly salary to the applicant alongwith the due amount of arrears from 11.3.95 with interest.
- iii) Or any other appropriate relief which this Hon'ble tribunal deem fit and proper in the facts and circumstances of the case may be passed.

Ces

3. According to the learned counsel for the applicant, the applicant met with an accident in the year 1991 and thereafter he remained under treatment for a long time. In the year 1995 he was declared medically fit for sedentary job and accordingly he reported to the respondents to allow him to join duty. He was advised by the respondents to be ready for medical screening to be conducted and after he is medically fit, he will be allowed to join duty. However, according to the applicant, no such screening was done and he was not allowed to join duty.

4. The respondents have filed detailed reply and have stated that the applicant has remained absent from 1991 to 1995 and after he was declared fit for sedentary job, the applicant did not report for duty and he cannot be allowed to join duty. However, the learned counsel for the respondents also submits that the applicant never came along with the fitness certificate to join duty. On 24.5.2002, when the matter came up before this Tribunal, the following order was passed:-

"This matter needs humanitarian consideration. It is expected that learned counsel for the respondents, who is present, will have liaison with the good office. The Railways has been liberal in dealings with such matters. We give sometime in the matter so that the learned counsel for the respondents may liaison in the matter with the Railway authorities. It is submitted by the learned counsel for the applicant that he would forego the back wages, seniority and other benefits, if he is given fresh appointment."


However, the learned counsel for the respondents submits that in pursuance of the letter dated 14.11.2002, addressed to the applicant, the respondents have stated that the applicant should remain present in the office of the DRM (Fstt.) for medical screening and if he is found fit in the medically screening, necessary action to join him on duty shall be taken. Mr. Manoj Pareek, learned counsel for the applicant, agrees that on the basis of this letter applicant shall report to the DRM office for medical screening.

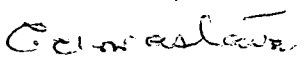
Ces

5. After discussion at the Bar, both the learned counsel agree that the OA can be disposed of now in view of the letter dated 14.11.2002 and also the observations of the Tribunal vide order dated 24.5.2002.

6. Accordingly we dispose of the OA with the direction to the applicant that he should remain present for medical screening in the office of the DRM as per letter dated 14.11.2002 within fifteen days from today and the respondents shall allow him to join duty if the applicant is found medically fit. The applicant shall not be entitled to back wages, seniority etc. as per order dated 24.5.2002. After the applicant reports to the respondents, the respondents shall complete the entire exercise within a period of one month thereafter.

7. With the disposal of the OA, the MA No. 335/90 also stands disposed.


(M.L. CHAUHAN)
MEMBER (J)


(G.C. SRIVASTAVA)
MEMBER (A)