

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 382/2001

Bhupendra Singh Barun, S/o.
K.C. Barun, Aged about 33 years,
R/o. H.No. 1/84, Sadar Bazar,
Ward No. 1, Sagar.

... Applicant

V e r s u s

1. The Union of India, Through,
The General Manager, S.E.Rly.,
Garden Reach, Calcutta-43.
2. The General Manager, S.E.Rly.,
Garden Reach Road, Calcutta-43.
3. Chief Personnel Officer, S.E. Rly.,
Garden Reach Road, Calcutta-43. ...

Respondents

Counsel :

Shri M.R. Chandra for the applicant.
Shri M.N. Banerjee for the respondents.

Coram :

Hon'ble Shri Justice N.N. Singh - Vice Chairman.
Hon'ble Shri R.K. Upadhyaya - Member (Admnv.).

O R D E R (Oral)
(Passed on this the 8th day of January 2003)

In this application the applicant has claimed
following reliefs :

(a) To issue appropriate direction by humdust
notice to offer alternative appointment in
any post according to the Vision Test of
C-1 category available in Railway in any
Division either Bilaspur or Nagpur.

(b) To award any other relief in the facts and
circumstances of the case, including
compensatory cost for involving the poor
scheduled caste applicant in this avoidable
litigation for no fault of his own. ,,

2. It is stated by the applicant that he was duly
selected on 16/02/1999 by the Railway Recruitment Board, Bhopal
to undergo the Training as Train Asstt. : Driver (Elect./
Diesel) in the Grade of Rs. 3050-4590 plus DA admissible. His



name was duly forwarded to the Chief Personnel Officer, S.E. Rly., Garden Reach, Calcutta for processing further course of appointment as Asstt. Driver. The applicant was called for prescribed medical examination by the authorised Medical Officer in which the applicant failed in required Vision Test of A-1 class for Rail Car Driver. The claim of the applicant is that he belongs to Scheduled Caste community and as per circular dated 01/02/1996 (Annexure A/1) he may be adjusted in any other suitable category of employment. It is stated that the applicant made a representation dated 03/02/2000 (Annexure A/4A) for offering him some alternative appointment. But the applicant has not been given any appointment so far.

3. The respondents have filed reply in which it has been stated that the Divisional Medical Authority declared the applicant medically fit for category C-1. Therefore the applicant's name has been kept in the list alongwith the other candidates for futher posting. The Zonal Railway is under process for further posting of other candidates who have been declared medically fit subsequently. It is further stated by the respondents that the applicant's case has already been put up before the competent authority for alternative job in the Railways alongwith the other medically unfit candidates and the case is under process, provided alternative posts are available.

4. After hearing the learned counsel of both the parties and without expressing any opinion on the merits of the claim of the applicant, the applicant is directed to make a fresh representation to respondent No. 2 with a copy to respondent No. 3 within a period of 4 weeks from today. The respondent No. 2 is directed to dispose of the representation if so made within a period of 2 months by a speaking order

Subrata Majumdar

from the date of receipt of such a representation and to communicate the decision to the applicant promptly. This direction is issued because the respondents have not specified as to how much time they are likely to take and what is the position of the applicant in the waiting list, if any.

5. In view of the direction in the preceding paragraph, this application is disposed of without any order as to cost.

John B. Jackson

(R.K. UPADHYAYA)
MEMBER (A)

Mink

(N.N. SINGH)
VICE CHAIRMAN

पृथिव्वन में ओ/न्या.....जालपुर, दि.....
प तिलिपि अचो लितः—

पतिलिपि अर्थे गितः—

उप एजिस्ट्रार 13/10/53

159^{1/2} c d
10.1 13
10.2 13