

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 529 of 1999

Jabalpur, this the 25th day of March 2003.

Hon'ble Mr. Shanker Raju - Member (J)
Hon'ble Mr. R.K. Upadhyaya - Member (Admnv.)

Chintaman, S/o Puduwa (deceased)
Ex. Gangman (C.P.W.I-Khurai)
R/o Village -Hardi, Post-Chasara
Tahsil-UMARIYA, Distr. - SAHADOL
THROUGH L.R. Smt. Butani Bai & ann.
(By Advocate- Shri H.R. Bharti)

- APPLICANTS

VERSUS

1. Union of India
through General Manager,
Central Railway,
MUMBAI & CST
2. The Divisional Railway Manager,
Central Railway,
Jabalpur (M.P.)
3. Divisional Engineer (DEN)
West, Central Railway,
JABALPUR(M.P.)
4. Assit. Engineer (AEN)M.
Central Railway,
Sagar (M.P.)
5. Chief Permanent Way Inspector,
C.P.W.I. (M)
Khurai-Central Railway,
Distr.-Sagar,

- RESPONDENTS

(By Advocate Shri S.P. Sinha)

ORDER (ORAL)

Mr. Shanker Raju, Member (J):

MA-1495/2002 for bringing on legal heirs on record
is allowed. Deceased applicant who was working as a Gangam
suffered injury, resulting in fracture. He was declared fit
on 7.10.1998 for light job. He joined his duties and worked
till 17.5.99.

2. By an order dated 11.5.99 deceased applicant was declared
compulsorily retired w.e.f. 12.4.99 and could not be offered
alternative job. Thereupon, in view of persons with disability
(Equal Opportunities, Protection of rights and Full Participation)

Act, 1995 a decision has been taken by the respondents on 27.3.99 to offer him an alternate job. This proposal has been sent to applicant through registered post on 30.8.1999 and was tendered to him personally on which in presence of two witnesses, i.e., railway servants refused ^{to} applicant has ^{refused} to join duties on 10.9.99. Applicant filed the present OA assailing the compulsory retirement on the ground that once applicant has been taken on duty till 17.5.99 he cannot be compulsorily retired.

3. Respondents in their reply contended that the deceased applicant though was offered alternate job but has refused to join and moreover during the pendency of the OA directions have been issued to join duties if he is willing by attending the office of Chief PWI but he has not complied with the directions by attending the duties. He died on 29.1.2002.

4. We have carefully considered the rival contentions of the parties and perused the material on record. As compulsory retirement of applicant has been reviewed and directions have been issued to him to join the alternate job by an order dated 30.8.99, having failed to join and his refusal and subsequent act of non-compliance with the directions extended to him during his life time and pendency of the OA, we do not find any infirmity in the orders passed by the respondents. As he was declared medically unfit for the post he was rightly on special re-examination was compulsorily retired. Having failed to join the duties the directions cannot be issued to re-instate him or to treat him in service on the alternate job. However, applicant has

already been accorded the retiral benefits in pursuance of his compulsory retirement.

5. For the reasons recorded above the OA is found bereft of merit and is accordingly dismissed.
No costs.

(R.K. Upadhyaya)

(R.K. Upadhyaya)
Member (A)

S. Raju

(Shanker Raju)
Member (J)

'San.'

पृष्ठांकन से ओ/व्या..... जवलपुर, दि.....
परिविति अवधित:-

(1) संप्र. एक्स. व्यापार दस्तावेज़ जवलपुर

(2) संप्र. एक्स. व्यापार दस्तावेज़ जवलपुर

(3) संप्र. एक्स. व्यापार दस्तावेज़ जवलपुर

(4) संप्र. एक्स. व्यापार दस्तावेज़ जवलपुर

H. R. Bhardwaj - DCW

S. P. Singh - DCW

H. R. Bhardwaj

31.3.03

Issued
on 31.3.03
BB