

**Central Administrative Tribunal
Madras Bench**

OA 310/01612/2016

Dated Thursday the 16th day of August Two Thousand Eighteen

P R E S E N T

**Hon'ble Shri. P. Madhavan, Member(J)
&
Hon'ble Shri. T. Jacob, Member (A)**

R. Vinayagamoorthy
Senior Clerk
O/o. Chief Electrical Workshop Engineer
Southern Railway
Perambur, Chennai – 600 023. .. Applicant

By Advocate **M/s. R. Pandian**

Vs.

1. Union of India rep. by
The General Manager
Southern Railway
Park Town, Chennai – 600 003.
2. The Chief Electrical Workshop Engineer
Southern Railway
Perambur, Chennai – 600 023.
3. The Medical Director
Southern Railway Head Quarters Hospital
Ayanavaram, Chennai – 600 023.
4. The Financial Advisor & Chief Accounts Officer
Southern Railway
Ayanavaram, Chennai 600 023. .. Respondents

By Advocate **Mr. P. Srinivasan**

ORAL ORDER

Pronounced by Hon'ble Mr. P. Madhavan, Member(J)

Heard. The applicant has filed this OA seeking the following reliefs:-

“To call for all the records relating to denial of Transport Allowance to the applicant at double the rate and consequent deduction of alleged excess payment, to quash the impugned order No. EPB/483/Payment/Vol.VII dated 16.08.2016 by the 2nd respondent, and consequently;

- i. To direct the 2nd respondent to pay Transport Allowance at double the rate as per extant rules;
- ii. To direct the 2nd respondents to return the amount deducted wrongly from the salary of the applicant with applicable interest; and
- iii. To pass such other order/orders”

2. The matter in dispute is regarding the percentage of visual disability of the applicant. The applicant has produced a vision certificate in Annexure A3 which shows 40% as disability. The respondents contend that on examination by the Railway Medical Board the applicant was found only to have 30% disability. As per the order issued by the Social Justice and Empowerment the minimum disability for availing concessions/benefits should be 40%. The applicant has not exhausted the remedy by filing an application before the Chief Commissioner of Disabilities.

3. In view of the above, we feel it appropriate to direct the applicant to file an application before the Chief Commissioner of Disabilities within a period of one

month from the date of receipt of copy of this order and on receipt of such application the Chief Commissioner of Disabilities is directed to resolve the matter within a period of three months thereafter. The applicant is also directed to undergo the necessary examinations as directed by the Chief Commissioner of Disabilities for assessing his vision disability.

4. OA is disposed of with the above direction.

(T. Jacob)
Member (A)
AS

16.08.2018

(P. Madhavan)
Member(J)