

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



No. O.A. 350/00677/2017  
M.A. 350/00916/2017

Date of order: 12.12.2017

Present : Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Ms. Nandita Chatterjee, Administrative Member

Tapash Mondal,  
Son of Late Bhupal Ch. Mondal,  
Aged about 53 years,  
Working as Chief Commercial Clerk,  
Kalyani Simanta, Eastern Railway,  
Sealdah Division, Sealdah,  
Residing at Vill. Chandua,  
P.O. Chandua, Kanchrapara,  
P.S. Bijpur,  
Dist. - 24-Parganas,  
Pin - 743145.

.. Applicant

- VERSUS
1. Union of India,  
Through the General Manager,  
Eastern Railway,  
Fairlie Place,  
17, N.S. Road,  
Kolkata - 700 001.
  2. The Divisional Railway Manager,  
Eastern Railway, Sealdah Division,  
DRM Building, Sealdah,  
Kolkata - 700 014.
  3. Senior Divisional Personnel Officer,  
Eastern Railway, Sealdah Division,  
Sealdah, Kolkata - 700 014.
  4. The Medical Officer,  
Eastern Railway,  
B.R. Singh Hospital,  
Sealdah,  
Kolkata - 700 014.
  5. Medical Superintendent,  
Eastern Railway,  
B.R. Singh Hospital,  
Sealdah,  
Kolkata - 700 014.

.. Respondents

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

**ORDER (Oral)****Per Ms. Manjula Das, Judicial Member:**

By this O.A. the applicant makes a prayer for a direction to the respondents to give the posting order in a Clerical job in Kanchrapara Workshop with the basic pay of Rs. 18,020/- and grade pay of Rs. 4,200/- which he was enjoying to the post of Chief Commercial Clerk on the same pay basis and for a direction to the respondents to follow the para 574 of IRMM-2000 for the applicant's case that his posting order may be issued in favour of the applicant in Kanchrapara Workshop and to pass such order or further order as to this Tribunal may deem fit and proper.

2. Heard Mr. T.K. Biswas, Ld. Counsel for the applicant and Mr. M.K. Bandyopadhyay, Ld. Counsel for the respondents.

3. The main grievance of the applicant is that although there is a recommendation of the Divisional Screening Committee for alternative appointment in their letter dated 2.2.2017 written to Sr. DOM, Sealdah, Sr. DPO, Sealdah, Sr. DFM, Sealdah, Sr. DCM, Sealdah and SS. Kalyani direction of extending benefits of protection of pay as per extant rules may be extended. If he medically de-categorized staff does not take up the alternative employment immediately, the payment of salary to him against special supernumerary post would be discontinued forthwith.

4. It was submitted by the Ld. Counsel for the applicant that despite the screening committee recommendation the applicant has not yet been posted. On the other hand, Mr. Bandyopadhyay, Ld. Counsel appearing on behalf of the respondents has drawn our attention to the Annexure A-6 page 35 "Particulars of Medically De-Categorised staff" in Column No. 9 it was stated a hereunder:-

"A case of major depressive disorder currently in complete remission with psychotropic drugs his fit to join duty as per para 574 of IRMM - 2000. he should be under constant supervision and will regularly take his medicine from BRSH."

5. According to the Ld. Counsel, Mr. Bandyopadhyay, that order has been passed in accordance with orders passed by this Tribunal in O.A. No. 1045 of 2016 dated 31.8.2016.

6. It was further submitted by Mr. Bandyopadhyay that although it was intimated to the applicant vide <sup>U.O. 02.02.2017</sup> this letter which was received on 14.2.2017 by the applicant <sup>himself</sup> ~~itself~~ which is acknowledged, but the applicant has not yet reported to duty to Kalyani, North Sealdah so as to pass an appropriate order as per the <sup>recommendation of</sup> Divisional Screening Committee. On the other hand, Mr. Biswas, vehemently submits that although the applicant reported at Kalyani Office but the authorities have not allowed him to resume his duties as a result he is suffering in financial constraints as he is not getting his salary for the last nine months.

7. The fact that the applicant has not been allowed to join is not at all admitted by the respondent's Counsel.

8. In view of the above circumstances, we direct the applicant to immediately report in his place of posting at Kalyani and on such reporting the respondent authority shall immediately pass an appropriate order for posting as has been recommended in the particulars of medically de-categorised staff specifically that "he should be under constant supervision and will regularly take his medicine from BRSH." The order should be passed immediately after joining of the applicant.

9. The O.A. is accordingly disposed of. The M.A. ~~stands~~ disposed of accordingly. Personal appearance, if any, of the concerned respondents shall be dispensed with.

(Dr. Nandita Chatterjee)  
Administrative Member

(Manjula Das)  
Judicial Member

SP