

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA



OA. 350/00233/2016

Date of Order: 27.06.2016

Present :Hon'ble Ms. Bidisha Banerjee, Judicial Member

Joydev Halder

Vs.

E. Rly.

For the Applicant : Mr. K. Sarkar, Counsel

For the Respondents : Mr. AK Guha, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:-

This matter is taken up in Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. Heard both.

3. The applicant who engaged as Substitute since 1996 was ordered to be posted as Gateman under Station Manager, Habra vide order dated 30.11.2015 issued by the Divisional Personnel Officer for Sr. Divisional Personnel Officer, Eastern Railway, Sealdah. When he was medically examined to check his eye power, it was found that he was suffering from Cataract and he was unable to see the charts. This opinion was given on 01.01.2016 by the E.C. Railway Hospital. On 04.01.2016, glasses were prescribed for constant use, by the Department of Ophthalmology. On 14.01.2016 he was referred by E.C. Railway Hospital to Eye OPD for further orders. Again on 18.01.2016 he was examined and asked to use

*R*

glasses regularly. The fact remained that the applicant could not join at his service till May, 2016.

4. A representation of January, 2016 has been annexed in the OA, without date, wherefrom it appears that the applicant prayed before the Sr. Divisional Personnel Officer, Eastern Railway, Sealdah for his posting against any alternative post since with Cataract he was unable to serve as Gateman and if compelled to perform such duties he was not to be made responsible for any responsibility of any accident.

5. Learned counsel for respondents furnished a letter dated 05.05.2016 written to him by the Asstt. Personnel Officer (C&S)/Sealdah for Divisional Railway Manager, Eastern Railway, Sealdah which indicates that his change of category from Gateman to Porter/Peon may be considered by the concerned Branch Officer on appeal if vacancy is available in proper post.

6. Learned counsel for applicant submitted that the applicant is ready and willing to prefer an appeal to the Sr. Divisional Personnel Officer, if need be.

7. Therefore, in view of the communication dated 05.05.2016, the OA is disposed of, without going into the merits of this matter, with a direction upon the applicant to prefer a representation/appeal in terms of the communication dated 05.05.2016 to the concerned Branch Officer or Sr. Divisional Personnel Officer whoever is competent, within a period of 15 days from the date of receipt of a copy of this order.

8. Upon receipt of such representation the concerned Officer would consider the case of the applicant sympathetically and to pass an appropriate order within a period of one month thereafter.
9. The OA is accordingly disposed of. No costs.

*Bidisha Banerjee*  
(Bidisha Banerjee)  
Member (J)

pd