

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A. No.60/1278/2017 Date of decision: 08.03.2019

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

Lakhmittar Singh, aged 34 years S/o Sh. Kashmir Singh, Technical Grade-II, under SSE/C&W, Amritsar, under order of redeployment as Technician-II/Pump Operator (PO) under Senior Sectional Engineer, Northern Railway, Udhampur (J&K)- Group C.

**... APPLICANT
VERSUS**

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Ferozepur.
3. Senior Divisional Personnel Officer, Northern Railway, Ferozepur.

... RESPONDENTS

PRESENT: Sh. R.K. Sharma, counsel for the applicant.
Sh. Yogesh Putney, counsel for the respondents.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed by the applicant seeking following reliefs:-
 - 8(i). Quash Order No.E-37/2/Dect/468/FZR dated 10.10.2017 (Annexure A-1) vide which the representation for re-deployment after medically de-categorization has been rejected and applicant has been directed to join the post as per previous order i.e. Pump Operator-II in Electric Department.
 - (ii) Quash order No.A725-E/2/7612/P-3 dated 11.11.2016, issued by Senior Divisional Personnel Officer, Northern Railway, Ferozepur

(Annexure A-1/A) issued in pursuance of recommendations of the nominated Standing Committee for consideration of de-categorized staff for absorption in suitable alternative categories as issued vide letter No.E.37/2/Dect.Pt.XIV/FZR dated 22.09.2016 (Annexure A-2), to the extent whereby applicant has been ordered to be posted as Tech.II/PO in Electrical against the medical advice and medical recommendations of the Committee, which specifically recommended alternative employment on medical grounds in medical category BB-one, where train working, train passing, climbing poles and overhead bridges and working near moving machinery should not have been the part/lace of duty of the applicant and the post of Tech.II/P.O. is the solitary post having shift duty and not conducive to the patient of epilepsy, which may prove fatal to his life, whereas there are other alternative employment requiring Bee-one from even lower category of medical, just like clerical duties and the respondents have also provided such clerical duties to the epileptic patients and non-epileptic patients may be quashed.

(iii) Direction may be issued to the respondents to offer alternative job by assigning the duties as per recommendations of the medical Committee where train working, train passing, climbing poles and overhead bridges and working near moving machinery is not required with all the consequential benefits.

2. After exchange of pleadings, matter came up for hearing today when learned counsel for the applicant submitted that pending this O.A., applicant had submitted representation for posting him to some other post than the post of Pump Operator. His request was acceded to by Senior DPO (Respondent No.3) and he has been posted as Care Taker, which is lower than the post applicant was holding before medical de-categorization against which, applicant has filed representation, which is pending adjudication. Therefore, he prayed that this O.A. may be disposed of with a direction to the respondents to decide his representation by passing a reasoned and speaking order.

3. Sh. Yogesh Putney, learned counsel for the respondents submitted that since applicant is not pressing for this petition therefore, respondents will take a view on his pending representation in accordance with law.
4. Accordingly, the O.A. is disposed of with a direction to the respondents to consider and decide representation of the applicant by passing a reasoned and speaking order, in accordance with law, within a period of four weeks from the date of receipt of a certified copy of this order. Order so passed by duly communicated to the applicant.

**(P. GOPINATH)
MEMBER (A)**

Date: 08.03.2019.
Place: Chandigarh.

'KR'

**(SANJEEV KAUSHIK)
MEMBER (J)**

