

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00722/2011

Jabalpur, this Friday, the 29th day of March, 2019

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Hari Prasad Meena, S/o Shri Lal Meena, C/o : Gram & Post :
Naroli Chod, Tehsil : Bamanwaas, District : Sawai Madhopur
322001
-Applicant

(By Advocate – None)

V e r s u s

1. Union of India through General Manager, West Central Railway, Indira Market, Jabalpur 482001.
2. Divisional Railway Manager (P), West Central Railway Manager, Jabalpur 482001.
3. Railway Recruitment Board, East Railway Colony, Bhopal 462010
-Respondents

(By Advocate – Shri N.S. Ruprah)

O R D E R (O R A L)

By Navin Tandon, AM.

Since there is no representation on behalf of the applicant, the matter is being heard and decided by exercising our powers conferred under Rule 15(1) of the CAT (Procedure) Rules, 1987, as per our orders dated 29.01.2019.

2. Brief facts of the case are that the applicant was selected as Assistant Loco Pilot (ALP) through Railway Recruitment

Board. He was medically found fit and, therefore, sent for training at Zonal Railway Training Institute, Bhusawal from 3.10.2006 to 27.03.2007. However, on 19.02.2007, the applicant became sick and consequently he could not complete his training. He took his treatment at Bhusawal, Byculla Hospital and at Jabalpur subsequently.

2.1 The applicant was declared unfit in the Aye/One as ALP (Trainee) and fit in Aye/One and under for sedentary jobs (Annexure R-4).

2.2 Since the applicant did not complete the requisite training, he was not offered the regular job as ALP. His case for alternative appointment was referred by the respondent department to Ministry of Railways on 07.12.2009 (Annexure A-13). This was turned down by the Railway Board on 04.01.2011 (Annexure R-1), which was communicated to the applicant vide letter dated 09.02.2011 (Annexure A/14).

3. The applicant has, therefore, sought for the following reliefs:

“8. Relief (s) sought:

In view of the above mentioned facts and circumstances the Hon'ble Tribunal may kindly be pleased to:-

1. Command the respondents to consider the applicants case for providing the alternative job in place of Assistant Diesel Driver, within a stipulated time as deems fit and proper by this Hon'ble Tribunal.
2. Any other relief, direction or order which the Hon'ble Tribunal may deem fit and proper in the interest of justice may kindly be issued along with the cost of this O.A.
3. Any may kindly be quash the Annexure A-14.”

4. Learned counsel for the respondents submitted that the applicant was under training and without completion of training, he became unfit for medical category Aye/One as ALP. Therefore, he cannot be treated as an employee of the Railways. As per the extant rules, a candidate is absorbed in Railway services after successful completion of training.

4.1 There is no provision under the rules to provide alternative job to the trainee.

4.2 Learned counsel for the respondents also brought to our notice Railways Board's letter dated 15.02.2007 (Annexure R-5), which mentions that as per the policy guidelines of Railway Board, as communicated by letter dated 04.09.2001 that, in case of candidates empanelled as Assistant Station Master, Assistant

Loco Pilot, no alternative jobs would be offered to them in case they fail in the medical test.

5. From the above, it is very clear that the applicant has not become the regular Railway employee since he had not completed the requisite training. The Railway Board's instructions clearly specify that in case of Assistant Station Master, Assistant Loco Pilot not meeting the medical standard, they should not be offered any alternative job in the Railways. Therefore, we do not find any irregularity in the action of the respondents for taking such decision.

6. Accordingly, we do not find any merit in this O.A. Therefore, the O.A is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member

am/-

(Navin Tandon)
Administrative Member