

✓

**Central Administrative Tribunal, Principal Bench**

**Original Application No. 1421 of 2003**

New Delhi, this the 23rd day of June, 2003

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.K. Naik, Member(A)**

Chimman Lal Gupta,  
S/o Shri Giloo Mal  
Gateeman  
under Section Engineer/P.Way/N.Rly.,  
Hapur

.... Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India, through

1. The General Manager,  
Northern Railway,  
Baroda House, New Delhi
2. The Divisional Railway Manager,  
Northern Railway,  
Moradabad

.... Respondents

**O R D E R (ORAL)**

**By Justice V.S. Aggarwal, Chairman**

The applicant has joined as a casual labour in October, 1979. He was regularised, as alleged by him, as a Gangman/Gateeman in the engineering department on 15.5.85. It is asserted that the post of Gateeman is essential category post and is subjected to medical examination periodically. The applicant was declared unfit because his vision being not of the prescribed standard. He was sent to the Central Hospital, New Delhi for opinion and thereafter to All India Institute of Medical Sciences.

2. According to the applicant, he was ultimately declared unfit for the post of Gateeman.
3. The grievance of the applicant is that when such is the situation, under Rule 304 of the Establishment Code,

*VS Ag*

he should be paid salary and further an alternate job should be offered to him.

4. In this regard, the applicant has submitted representations copies of which are annexures A-7 to A-10.

5. When the matter is under consideration before the Divisional Railway Manager who is competent to take a decision in this regard, at this stage we are not expressing anything on the merits of the matter. It is directed that the Divisional Railway Manager shall go into the controversy raised by the applicant and pass a speaking order preferably within one month of the receipt of the representation. The applicant will submit such a representation to the Divisional Railway Manager, Moradabad within a week from today. The decision so taken should be communicated to him. O.A. is disposed of.

7  
Naik  
( S.K. Naik )  
Member(A)

/dkm/

Ag  
( V.S. Aggarwal )  
Chairman