

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

**R.A. No. 07 of 2020
(Arising out of OA No.406/2014)**

Date of order: 25.02.2020

By circulation

**Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)
Hon'ble Mr. Swarup Kumar Mishra, Member(J)**

Ajay Rajbhar, aged about 39 years, Son of Rajendra Prasad Rajbhar, At/PO-Chandra Via-Kanchrapara, Dist-24 Parganas(N), West Bengal-743145, At Present working as Chief Booking Supervisor, Keshinga Railway Station, East Coast Railway, At/PO-Keshinga, Dist-Kalahandi.

.....Applicant

-Versus-

1. Union of India represented through its General Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist-Khurda.-751016.
2. Chief Personnel Officer, East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist-Khurda-751016.
3. Chief Commercial Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist-Khurda-751016.
4. Divisional Railway Manager(Comm), East Coast Railway, Sambalpur, At/PO/Dist-Sambalpur-768017.
5. Jayant Kumar Pipla, Chief Commercial Inspector, O/o the Chief Commercial Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist-Khurda-751016.
6. Hrusikesh Tripathy, Chief Commercial Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist-Khurda-751016.
7. Arijit De, TTI, Sambalpur, East Coast Railway, Sambalpur, Division, At/PO/Dist-Sambalpur-768017.

.....Respondents

For the Applicant : Mr. P. K. Mohapatra

For the Respondents: Mr. T. Rath

O R D E R

Per Mr. Gokul Chandra Pati, Member(A):

The Review Application No.7/20(in short RA) has been filed by the applicant on the OA No.406/2014 impugning the order dated 3.1.2020 of this Tribunal by which the OA was dismissed. The RA has been filed within the time stipulated under the rules.

2. It is stated in the RA that materials available on record in OA No. 406/2014 have not been taken into consideration by this Tribunal while passing the impugned order dated 3.1.2020(Annexure-A/1 of the RA). It is further stated that the applicant had submitted that the Annexure-A/11 enclosed to the rejoinder, in which it was shown that the medical fitness for the post of A.C.M is required to be assessed as per the Para 530(b) read with Para 532(2) of the Indian Railway Medical Manual (in short IRMM), but the Tribunal did not consider the Annexure-A/11, while passing the order dated 3.1.2020 since there was no whisper about the Annexure-A/11.

3. In the OA No. 406/2014, the applicant's case was that his medical fitness for A.C.M Post is required to be assessed as per the Para 530(b) read with Para 532(2) of

the IRMM) and he was aggrieved by the fact that his medical fitness was assessed by the respondents as per para 530(a) of the IRMM. The ground taken by the applicant in the RA is that the Tribunal while passing the order dated 3.1.2020 in OA NO. 406/2014 has not considered the document at Annexure-A/11 of the rejoinder as there is no whisper about Annexure-A/11 in the impugned order dated 3.1.2020. The applicant's contention is that the Annexure-A/11 establishes clearly that the medical fitness of for the post of A.C. M should be done as per para 530(b) read with Para 532(2) of the IRMM.

4. Paragraph 4 of the rejoinder filed by the applicant in OA No. 406/2014, referring to Annexure-A/11, states as under:-

"It is humbly submitted that the test of colour vision in the case of the applicant adopted by the Railway is purely nonest. Something has been reiterated in the advertisement dated 29.9.2017 by Western Railway Churchgate, Mumbai for promotion to the post of ACM and the Medical test was conducted as per 530(b). The syllabus meant for promotion of LDC Group-B ACM post is very clear, wherein the entire Syllabus is not relating to safety category. None the medical test applied for ACM as meant for safety category post is not permissible. True copy of the advertisement dated 29.9.2017 is filed. Herewith as Annexure-A/11".

5. The Annexure-A/11 is the first page of a letter dated 20.09.2017 issued by some officer of Western Railways mentioning about selection of 2 employees as A.C.M for which the medical fitness is stated to be as per para 530(b) of the IRMM. Full letter of which the Annexure-A/11 is a part has not been enclosed with the Rejoinder and there is no signature of any officer on Annexure-A/11. Such a document at Annexure-A/11 of the Rejoinder does not establish the fact that the medical fitness for the post of A.C.M is to be done as per para 530(b) of the IRMM and not as per para 530(a). Moreover, the document at Annexure-A/11 being an incomplete letter without signature of any officer of the Railways, could not have been considered by this Tribunal as a proof in support of the applicant's claim in the OA.

6. In view of the above, the Review Application is devoid of merit since no error apparent on the face of the record in the impugned order dated 3.1.2020 has been established by the applicant. The Review Application is accordingly dismissed.

7. Copy of this order be given to learned counsels for both the parties.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)