

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITING: GWALIOR

Original Application No.202/00956/2017

Jabalpur, this Thursday, the 5th day of March, 2020

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER



Jagdish Prasad Rajak, S/o Shri Chhote Lal Rajak,
Aged 32 yrs. Resident of Piriya Colony, Shivpuri Road,
Jhansi, Pin Code 284003 -Applicant

(By Advocate –Shri R.N.Joshi)

V e r s u s

1. Union of India, through General Manager,
West Central Railway, Indira Market, Jabalpur
(M.P.) Pin Code 482001

2. Chief Medical Director, G.M.'s Office,
West Central Railway, Indra Market, jabalpur (M.P.).
Pin Code 482001

3. Divisional Railway Manager, (P)
West Central Railway, Jabalpur (M.P.),
Pin Code- 482001 -Respondents

(By Advocate –Shri S.K.Jain)

(Date of reserving the order:- 14.05.2019)

O R D E R

By Ramesh Singh Thakur, JM:-

This Original Application has been instituted against

the order dated 17.08.2017 passed by respondent No.3.

2. The applicant has sought for the following reliefs in
this Original Application:

“8.Relief sought:

8(i) To issue order or direction for quashing and set aside the impugned order dated 17.08.17 issued by Respondent No.3 (Annexure No.A-1) pursuant to order dated 09.08.17 issued by Head Quarter/Competent Authority whereby they declined to consider his matter for re medical examination and directing to respondent No.2 to consider his appeal a fresh by constituting second medical Board to be examined him.



- (ii) To issue order or direction to appoint applicant as Assistant Loco Pilot on being medically declared fit for which time bound direction is fervently prayed.
- (iii) To pass any such and further order as deemed fit just and proper in the facts and circumstances of the case.
- (iv) To award cost and compensation in favour of the applicant.”

3. Precisely the case of the applicant is that the applicant as S.C. Community (Dhobi) candidate appeared in written examination conducted by Railway Recruitment Board on 15.06.2014(Annexure A-3) against employment notice No. 01/2014 in the category of ALP/Technician, held at Jabalpur, in which he was declared passed. The applicant was directed to appear for the Aptitude Test for ALP on 12.12.2014 held at Bhopal, in which he appeared and was declared passed. The applicant was directed by Railway Recruitment Board, Bhopal to remain present on 15.12.2015 (Annexure A-5) for verification of candidature and original certificates/documents

at RRB, East Railway Colony, Bhopal in which he remained present and got verified the original certificate/documents as specified in the instructions.

4. Consequent upon selection for the post of ALP, category No.1, the applicant was given appointment letter dated



26.04.2017 issued by D.R.M.(P) West Central Railway, Jabalpur subject to pass medical examination for medical category 'Aye One' conducted by Railway doctor & fulfilling

all the requisite conditions mentioned therein, fixing date on 26.05.2017 to remain present in his office. Copy of which is annexed as Annexure A-6. The applicant was declared unfit in the said category for the post of ALP vide medical certificate dated 02.06.2017 without assigning any cogent reason thereof.

The copy of medical certificate dated 02.06.2017 is filed as Annexure A-7. Aggrieved with the decision of the medical authority the applicant submitted his application dated 05.06.2017 to CMS for reexamination which was not considered by giving reply dated 01.07.2017 in usual manner.

The applicant was intimated by D.R.M. (P), WCR, Jabalpur vide letter dated 08.06.2017 that if he desired to prefer an appeal against the decision of medical authority who declared him unfit on 02.06.2017 he shall submit appeal/application to



CMD, WCR, Jabalpur through proper channel. In response to this the applicant submitted his appeal dated 24.06.2017 along with all the testimonials and medical certificate issued by other Eye specialist to DRM (P), WCR, Jabalpur. Copy of which is annexed as Annexure A-II. The aforesaid appeal of the applicant was rejected by the competent authority without calling the applicant in person to be re-examined medically afresh. As per para 506 r/w 522 (i&ii) of Indian Railway Medical Manual, when there is a possibility of error of judgment in the decision of examining medical authority, it will be opened to candidate to allow re-examination. The extract of above paras is filed as Annexure A-10. Hence this Original Application.

5. The respondents have filed their reply to the Original Application. The respondents in their reply have submitted that the applicant appeared for medical examination of the post of Asst. Loco Pilot for medical category 'Aye One', in which he was declared unfit on 02.06.2017 due to Substandard Vision. As per IRMM 2000, Chapter V, Para 512 (1)(A)- "Candidates for "Aye One" category should have Distant vision of 6/6, 6/6 without glasses." A copy of relevant excerpt of IRMM 2000 is enclosed herewith as Annexure R/2. Distant Vision of the

applicant was found to be 6/12 in Right Eye and suspected Macular lesion in Left Eye. Accordingly, the applicant was declared unfit in ‘Aye One’ medical category due to substandard vision.

6. As per extant guidelines of Railway Board, when the examining medical officer found evidence of substandard vision, the findings were put up to Chief Medical Superintendent, Jabalpur. The applicant was asked to appear before a three member committee for deciding his fitness. After careful consideration of the case, the committee decided that as the candidate had substandard vision, hence, was declared unfit in “Aye One” medical category. The recommendations of the medical committee were accepted by CMS/JBP and the certificate was issued declaring the candidate unfit. There was no provision of appeal with Chief Medical Superintendent. The representation of the applicant was replied to by CMS/JBP. An appeal of the applicant was received in CMD’s Office on 11.07.2017. All the relevant documents were called for and scrutinized in detail and it was found that the applicant had distant vision of 6/12 in right eye and a suspected macular vision in left eye. The applicant was examined by a three member committee and the committee has recommended that



the applicant was unfit in Aye One medical category for the post of ALP due to sub-standard vision. The finding of the Medical Committee were accepted by CMS/Jabalpur on 02.06.2017.

7. Railway Board's letter dated 31.12.2015 Para VIII (a)



states that

“Once the three member Board has taken a decision on the grounds of conditions like hypertension, sub-standard vision and defective colour perception diabetes and the same has been accepted by the respective CMO/MD/CMS/ ACMS in charge of the Unit/Division/Sub-division, any representation/appeal shall be dealt with on the basis of the records and findings of the committee and the candidate will not be subjected to re-examination.”

8. The decision taken by competent authority on the appeal of the applicant is in accordance with the revised para 522(1) of IRMM. The decision has been taken in accordance with extant rules and standards required for fitness for medical service in the category for which the applicant was sent for medical examination.

9. Heard the learned counsel for the parties, perused the pleadings and the documents annexed therewith.

10. From the pleadings it is itself admitted fact that the applicant had appeared in written examination conducted by Railway Recruitment Board on 15.06.2014(Annexure A-3)

against employment notice No. 01/2014 in the category of ALP/Technician and was declared passed. Thereafter, the applicant was directed to appear for the Aptitude Test for ALP on 12.12.2014 held at Bhopal, in which he appeared and was declared passed. The applicant was directed by Railway Recruitment Board, Bhopal to remain present on 15.12.2015 (Annexure A-5) for verification of candidature and original certificates/documents at RRB, East Railway Colony, Bhopal in which he remained present and got verified the original certificate/document. Ultimately the applicant was selected for the post of ALP and was given appointment letter dated 26.04.2017 issued by D.R.M.(P) West Central Railway, Jabalpur subject to pass medical examination for medical category 'Aye One' conducted by Railway doctor & fulfilling all the requisite conditions mentioned therein.

11. The applicant was declared unfit in the said category for the post of ALP vide medical certificate dated 02.06.2017 without assigning any cogent reason thereof. The copy of medical certificate dated 02.06.2017 is filed as Annexure A-7. It is also admitted fact that aggrieved with the decision of the medical authority the applicant submitted her application dated



05.06.2017 to CMS for re-examination which was not considered by giving reply dated 01.07.2017 in usual manner.

12. It is also admitted fact, the applicant was intimated by DRM (P) vide letter dated 08.06.2017 that if he is willing to prefer an appeal against the decision of medical authority for being declared unfit vide certificate dated 02.06.2017, he shall sent his appeal to CMD, WCR, Jabalpur.



13. From the reply of the respondents it is crystal clear that the applicant was declared unfit on 02.06.2017 due to Substandard Vision. As per IRMM 2000, Chapter V, Para 512 (1)(A)- “Candidates for “Aye One” category should have Distant vision of 6/6, 6/6/ without glasses.” A copy of relevant excerpt of IRMM 2000 is enclosed herewith as Annexure R/2. Distant Vision of the applicant was found to be 6/12 in Right Eye and suspected Macular lesion in Left Eye. Accordingly, the applicant was declared unfit in ‘Aye One’ medical category due to substandard vision. From the reply of the respondents it is clear that when the examining medical officer found evidence of substandard vision, the findings were put up to Chief Medical Superintendent, Jabalpur. The applicant was asked to appear before a three member committee for deciding her fitness. After careful consideration of the case, the committee decided that as

the candidate had substandard vision, hence, was declared unfit in “Aye One” medical category. The recommendations of the medical committee were accepted by CMS/JBP and the certificate was issued declaring the candidate unfit. There was no provision of appeal with Chief Medical Superintendent.



14. Finally the appeal of the applicant was received in the office of CMD/WCR on 11.07.2017. All the relevant documents were called for and scrutinized in detail and it was found that the applicant had distant vision of 6/12 in right eye and a suspected macular vision in left eye. The applicant was examined by a three member committee and the committee has recommended that the applicant was unfit in Aye One medical category for the post of ALP due to sub-standard vision. The finding of the Medical Committee were accepted by CMS/Jabalpur on 02.06.2017.

15. It is further revised vide letter dated 31.12.2015. Para VIII (a) of the policy reads as under:

“Once the three member Board has taken a decision on the grounds of conditions like hypertension, sub-standard vision and defective colour perception diabetes and the same has been accepted by the respective CMO/MD/CMS/ ACMS in charge of the Unit/Division/Sub-division, any representation/appeal shall be dealt with on the basis of the records and findings of the committee and the candidate will not be subjected to re-examination.”

16. So from this policy once the three member Board has taken a decision regarding the sub-standard vision, the candidates will not be subject to re-examination.

17. So the application/ appeal has been dealt with as per law, we find no irregularity or illegality in the action taken by the respondent department.



18. In view of the above, the Original Application is dismissed. No order as to costs.

(Ramesh Singh Thakur)
Judicial Member
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(Navin Tandon)
Administrative Member