

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



O.A/350/1301/2017

Date of Order: 18.02.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Pratapaditya Datta, son of Kalyan Kumar Datta, resident of Nonapara, Jhilpark (Near Shanti Sansad Library), P.O & P.S Sonarpur, Kolkata – 700150.

--Applicant

--versus--

1. Union of India, service through the General Manager, Eastern Railway, 17, N.S Road, Kolkata – 700001.
2. The Divisional Manager, Eastern Railway, Howrah Division, Howrah – 711101.
3. The Secretary, Railway Recruitment Board, Kolkata; Metro Railway, AV Complex, Chitpur, R.G. Kar, Kolkata – 700037.
4. Chief Personnel Officer, Eastern Railway, Kolkata; Fairlie Place, 17, Netaji Subhas Road, Kolkata – 700001.
5. Chief Medical Director, Eastern Railway, New Koilaghat Building, 12th Floor, 14 Strand Road, Kolkata – 700001.

--Respondents

For The Applicant(s): Mr. S. Panda, counsel

For The Respondent(s): Mr. K. N. Bhattacharya, counsel

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. This O.A has been preferred to seek the following relief:

(a) A direction in the nature of Mandamus commanding the respondent authority to act fairly in accordance to law and to recall, rescind and withdraw the impugned letter dated 11.07.2016 being Annexure A/5.

(b) A direction upon the respondent authority, more particularly, the respondent No. 2 to withdraw the impugned letter dated 11.07.2016 being Annexure A/5 and to review the petitioner's medical fitness test in accordance to the guideline fairly and forthwith.

(c) A direction upon the respondent authority to constitute a three (3) member standing medical team consisting of a specialist in the field, however, if the specialist is not available within the unit/division/production unit, a senior doctor should be nominated in place of a specialist; 2) the medical officer who has conducted the first medical examination and the third being a senior medical officer

specially nominated by the CMO/CMS/MD/ACMS/ in charge in terms of the Board's circular No. 82/2014 dated 05.06.2014 being Annexure A/6 forthwith."

3. At hearing, Ld. counsel for the applicant would submit that he would be satisfied if a direction is issued to the authorities to consider and dispose of the representations, Annexure A/8 collectively, and consider his case in the light of the guidelines laid down in IRMM 522 and also as per guidelines annexed at Annexure A-6 to the O.A within a specific time frame.
4. Accordingly, with the consent of both the parties, we dispose of the OA with a direction upon the competent respondent authority to consider his representations in the light of the guidelines laid down in IRMM 522 and also as per guidelines annexed at Annexure A-6 to the O.A, decide the claim of the applicant and issue a reasoned and speaking order in accordance with law within a period of 3 months from the date of receipt of copy of this order. In the event the applicant is found entitled to the relief as prayed for, an appropriate order in accordance with law be issued within the said period.
5. It is made clear that we have not entered into the merit of this matter and therefore, all points are kept open for consideration.
6. OA is accordingly disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)