

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.289/2001

New Delhi this the 10th day of July, 2001

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M.P.SINGH, MEMBER (A)

Manish Kumar
S/o Shri Kailash Prasad
R/o Village & P.O.Salaha
District Vaishali
PIN-844505.
Bihar.
Presently residing
at C/12/1381, Yamuna Vihar
Delhi-110053.

... Applicant

(By Shri Abhay Prakash Sahay, Advocate)

-versus-

1. Union of India
through the Secretary
Ministry of Railways
Rail Bhawan
New Delhi.
 2. The Member, Personnel, Railway Board
New Delhi.
 3. The General Manager, Central Railway
Mumbai.
 4. The Divisional Railway Manager (Personnel)
Central Railway,
Nagpur.
- ... Respondents

(By Advocate Shri R.L.Dhawan)

O R D E R (ORAL)

Shri Justice Ashok Agarwal:-

Applicant is an aspirant for the post of Permanent Way Mistry. He had applied for the aforesaid post in pursuance of an employment notice No.RRB/BPL/4/1997. He passed the written test held on 9.11.1997 as also the interview held on 24.1.1998. He was medically tested on 17.3.1999 when he reported along with the medical memo at Annexure A-4. Since

the results of the medical examination were not communicated to the applicant, he has instituted the present OA with a prayer for issuing direction to the respondents to re-examine him medically for appointment as Permanent Way Mistry. (b)

2. In regard to the medical examination of the applicant, the respondents in their counter have averred as follows:-

"It is submitted that the true facts are that the applicant appeared before the Medical authorities for medical examination on 17.3.99, but before the completion of medical examination the applicant left the Hospital, hence he could not be fully examined and declared as 'medically fit' or 'unfit' for Permanent Way Mistry."

3. We have perused the medical memo at Annexure A-4 which was given to the applicant for his medical examination. We find certain endorsements dated 19.3.1999 and 22.3.1999 on the aforesaid memo which indicate that the applicant had reported for medical examination on those days also.


4. We have perused the communication of 30.3.1999 at Annexure R-I issued by the Central Railway Hospital, Nagpur which indicates that the applicant had attended the hospital for medical examination and on that day, ^{but} he had not ^{brought} ~~turned up~~ along with the medical memo. The Divisional Railway Manager was accordingly requested to direct the applicant to appear along with the medical memo for medical examination at an early date. It is not clarified as to what steps have been taken by the Divisional

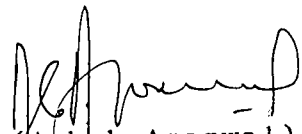
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Railway Manager in pursuance of the , aforesaid communication at Annexure R-1.

5. Having regard to the aforesaid facts, we find that it will be in the interest of justice to issue a direction to the respondents to have the applicant medically re-examined after issuing a fresh medical memo. Based on the aforesaid medical test to be conducted, applicant's claim for being appointed to the post of Permanent Way Mistry may be considered in accordance with the rules.

6. Present OA, in the circumstances, is allowed in the aforestated terms without any order as to costs.


(M.P. Singh)
Member (A)


(Ashok Agarwal)
Chairman

/sns/