

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.220/96

New Delhi this the 16th day of August 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr K.Muthukumar, Member (A)

Munendra Pal Singh  
S/o Kalicharan  
C/o Sushil Kumar  
Assistant Station Master  
Subzi Mandi Railway Station  
Delhi.

...Applicant.

(By Sh. R.S.Singh, advocate)

Versus

1. The General Manager  
Northern Railway  
Head Office Baroda House  
New Delhi
2. The Chairman  
Railway Recruitment Board  
Ajmer, Rajasthan.
3. Divisional Railway Manager  
Northern Railway  
Bikaner  
Rajasthan
4. Divisional Personnel Officer  
Northern Railway  
Bikaner  
Rajasthan.

...Respondents.

(By Sh. Rajeev Sharma, advocate)

O R D E R (Oral)

Hon'ble Mr A.V. Haridasan, Vice Chairman (J)

The applicant was selected by the Railway Recruitment Board for appointment to the post of Assistant Station Master by its order dated 23/24.3.1994. He was directed to appear for medical examination to be held on 22.6.95 to ascertain his fitness and suitability for railway service. The Medical Board found him suitable only in A-3 category while the

standard requirement was A-2 category for the post of Assistant Station Master. Therefore, he was advised that his case would be considered for alternate appointment if he satisfies relevant criteria and if there was shortfall in the reserved category quota as the applicant belongs to Schedule Caste. The Divisional Railway Manager, Bikaner on 20.7.95 addressed a letter to Senior Personnel Officer, Northern Railway, Baroda House, New Delhi informing that the applicant has been found fit only in A-3 and below medical classification and therefore steps may be taken to consider his case for appointment to any alternative category to which A-3 classifications are entitled. Finding no response to this, the DRM Bikaner again reminded the Senior Personnel Officer by his letter dated 24.8.95. Ultimately, the applicant is aggrieved by letter dated 12.12.95 in which he was informed that his case for appointment in the alternate category could not be considered as the validity of the panel expired on 31st March 1995. The applicant, therefore, has filed this application for a direction to the respondents to appoint the applicant on a post in the pay scale of Rs. 1200-2040.

2. The respondents seek to justify the impugned order on the ground that the panel made in the month of March 1994 expired on 31.3.95 and, therefore, it is not feasible to appoint the applicant on the post for which he was selected.

3. As the issue involved is quite simple and as the counsel agreed that the matter can be disposed of, we have heard the counsel on either side for final disposal of this application. The stand taken by the respondents in not considering <sup>the</sup> his case of the applicant for appointment in the

6

finally on this stage itself

alternate post commensurate with his medical standard ~~as~~ that 7  
the panel prepared in March 1994 having expired on 31.3.95,  
the applicant does not have a right to be considered against

any vacancy. This contention of the respondents is wholly  
untenable because ~~first~~ <sup>only</sup> the applicant was called upon to  
appear for the medical examination on 22 June 1995. If the  
validity of the panel had expired on 31.3.95, then the  
respondent could <sup>not</sup> have and should <sup>not</sup> have called upon the  
applicant to appear for the medical examination in June 1995.

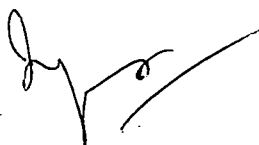
However, it is seen that the DRM had written two letters to

the Senior Personnel Officer requesting him to consider the  
case of the applicant for appointment to the post to which

<sup>commensurate with</sup>  
<sup>adjudged</sup>  
the medical classification he was <sup>2</sup> <sup>a</sup> fixed. If the panel had  
expired on 31.3.95, we are sure that <sup>a</sup> the futile exercise of  
subjecting the applicant to the medical examination <sup>should</sup> <sup>not</sup>  
not have been undertaken by the respondents.

4. In the light of what is stated above, the application  
is disposed of with a direction to the respondents <sup>to treat</sup> that the  
panel so far as it relates to the applicant did not expire on  
31.3.95, to consider the case of the applicant for  
appointment to a post to which he would be eligible and  
suitable in accordance with <sup>medical</sup> classification A-3 and to pass  
appropriate orders in that regard within a period of two  
months from the date of receipt of this order.

No order as to costs.



(K.Muthukumar)

Member (A)



(A.V. Haridasan)

Vice Chairman (J)

aa.