

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 is not considering ^{1/2} his case of the applicant for appointment in the

alternate post commensurate with his medical standard as that 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~~ the applicant was called upon to appear for the medical examination ^{only} on 22 June 1995. If the validity of the panel had expired on 31.3.95, then the respondent could ^{never} have and should ^{never} have called upon the applicant to appear for the medical examination in June 1995. However, it is seen that the DRM has written two letters to the Senior Personnel Officer requesting him to consider the case of the applicant for appointment to the post ~~to which~~ ^{commensurate with} ~~adjudged~~ medical classification he was ~~fixed~~. If the panel had expired on 31.3.95, we are sure that ^a the futile exercise of subjecting the applicant to the medical examination should ~~and~~ ^{not} have been undertaken by the respondents.

4. In the light of what is stated above, the application ^{is meant} is disposed of with a direction to the respondents 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 ^{medical} suitable in accordance with 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)

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