

OA No.722/97

New Delhi. this the 6th day of January, 1997

Hon'ble Dr. Jose P. Verghese. Vice-Chairman(J)
Hon'ble Shri S. P. Biswas. Member (A)

Mahesh Chand s/o Ram Narain,
Parcel Porter.
Northern Railway,
Railway Station, Delhi.

....Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India through

1. General Manager.
Northern Railway.
Baroda House.
New Delhi.

2. The Divisional Railway Manager.
Northern Railway.
State Entry Road.
New Delhi.

3. The Senior Station Manager.
Northern Railway. Railway Station.
Delhi Jnc.

....Respondents

(By Advocate: Shri R.L.Dhawan)

O R D E R (ORAL)

Dr. Jose P. Verghese. Vice-Chairman (J)

The petitioner was working originally as a Rakshak in the grade of Rs. 825-1200 and was medically decategorised by order dated 12.10.1994. Subsequently, he was absorbed as a Parcel Porter in the grade of Rs. 775-1025/- on 4.3.1995 after he was adjudged suitable by the Committee of three officers. A selection was initiated in the year 1996 for the post of Ticket Collector in the grade of Rs. 950-1500/- against promotee quota and the petitioner's name appears in the list of candidates who had cleared both the written test as well as the interview. Thereafter the respondents did not send him for medical examination in accordance with the rules and it is alleged

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by the petitioner that it is on the presumption that the petitioner has been declared medically decategorised under para 573 Indian Railway (Medical) Manual.

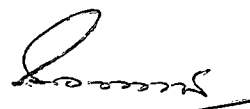
After notice, respondents filed their reply and stated that since the medical decategorisation was under para 573 of the Indian Railway (Medical) Manual, as per the order annexed at R-2 of the reply, such persons are not eligible for posting as Ticket Collector. Respondents also produced before us the rules pertaining to the medical fitness contained in paras 571, 572, 573 and 574 of the Indian Railway (Medical) Manual. On perusal of the same, we find that these are the rules pertaining to those people who have been mentally ill and sent to mental asylum and rule 573 pertains to those people who have come out from the mental asylum after being cured. These rules are applicable only to those people who have come out from the mental asylum so that they may not be posted in the posts detailed in the said rule which include the Ticket Collector as well but we are afraid the said rule is not applicable to the case of the petitioner.

In the circumstances and in view of the fact that the petitioner had already passed the written test as well as the interview and his name appears at serial no. 5 in the panel, the respondents shall pass appropriate orders and send him for medical examination to the appropriate medical authorities in accordance with the rules. In case the petitioner is found medically fit by the appropriate

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medical authorities, petitioner will be entitled to all consequential benefits from the date his juniors have been given the same benefits. (11)

With this, this OA is disposed of with no order as to costs.


(S. P. Biswas)
Member (A)

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(Dr. Jose P. Verghese)
Vice-Chairman (J)