

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 8th day of August Two Thousand And Seventeen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/01277/2017

Chetram Meena,
S/o. Shri Pyare Lal Meena,
Village- Lalpur,
PO- Roth, Hadiya,
Teh- Mahawa, Dist- Dausa,
Rajasthan- 321 608.

....Applicant

(By Advocate : M/s. R. Pandian)

VS.

Union of India Rep. by

1. The General Manager,
Southern Railway,
Park Town,
Chennai- 600 003;
2. The Chief Medical Director,
Southern Railway,
MMC Complex, Park Town,
Chennai- 600 003.

...Respondents

(By Advocate: Mr. P. Srinivasan)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

This O.A. is filed by the applicant seeking the following reliefs:-

"i) to call for all the records pertaining to declaring the applicant unfit in BEE TWO (b-2) medical classification and thereby denying him appointment as Ticket Examiner vide proceeding of the Medical Board held at RH/PER on 03.08.2016, signed by the 2nd Respondent on 29.08.2016 and to quash the same and consequently;

ii) to direct the 2nd Respondent to constitute a Medical Board afresh and re-examine the applicant as provided under Para 522 (1) VIII (b) read with Para 522 (1) IV(A) of the Indian Railway Medical Manual, taking into consideration the Fit Medical Certificate issued by the Consultant Cardiologists & Assistant Professor, Madras Medical College, Chennai."

2. The case of the applicant is that he was successful in the written examination for the post of Ticket Examiner. However, after conducting a medical examination, his candidature was rejected alleging cardiac problems. Applicant appealed against the order by submitting medical certificates issued by reputed Consultant Cardiologists. Consequently, 2nd Respondent constituted a Medical Board to examine the applicant. However, without taking into consideration the certificates issued by the reputed Consultant Cardiologists, the Medical Board has rejected the candidature of the applicant allegedly in violation of Para 522 of the Indian Railway Medical Manual. The



2nd Respondent accepted the same without proper application of mind, it is alleged. Hence, this O.A. is for the aforesaid reliefs.

3. Learned counsel for the applicant states that applicant's case had not been properly considered by the Medical Board in the light of the certificate issued by the Consultant Cardiologist dated 20.7.2017, which is attached as Annexure-11 to the O.A. In view of this, the applicant wishes to submit a representation to the competent authority to reconsider his case. It is submitted that the applicant would be satisfied if a direction is given to the competent authority to consider such representation within a time limit and pass a reasoned and speaking order.

4. Mr. P. Srinivasan, learned standing counsel takes notices for the respondents has no objection to the above prayer.

5. In view of the limited prayer of the applicant, this O.A. is disposed of granting permission to the applicant to submit a representation in respect of his grievance to the competent authority within one week from the date of receipt of copy of this order. On receipt of such representation, the competent authority shall deal with it in accordance with the relevant rules and pass a speaking order within a period of three months thereafter. No costs.