

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/21/462/2020

HYDERABAD, this the 21st day of August, 2020



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

Dada Rao Motiram, S/o. Motiram,
Aged about 60 years,
Occ: Goods Guard, Operating,
O/o. Station Superintendent, Purna RS,
SC. Railway, Nanded Division, Nanded,
R/o. H.No.256 Pradif Ratanaambhore,
Panchanyat Samiti Patur Akola,
Maharastra State.

... Applicant

(By Advocate: Mr.K. Siva Reddy)

Vs.

1. Union of India rep. by
The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. ThePrincipal Chief Medical Director,
South Central Railway, Rail Nilayam,
Secunderabad.
3. The Chief Medical Superintendent,
South Central Railway, Nanded.

...Respondents

(By Advocate: Mr.S.M. Patnaik, SC for Rlys)

ORDER (ORAL)
Hon'ble Mr. B.V. Sudhakar, Admn. Member

Through Video Conferencing:



2. The OA is filed challenging inaction of the 2nd respondent on the medical reports submitted by the Medical Board on 10.1.2020 & 20.2.2020 respectively in respect of the applicant.

3. Brief facts of the case are that the applicant while working as Goods Guard in the respondents organization fell unconscious while discharging duties in a passenger train on 18.3.2019. After undergoing medical treatment, he was examined by the Medical Board twice and declared unfit for all categories of posts. 2nd Respondent failed to pass any orders on the Medical Board reports and hence, the OA.

4. The contentions of the applicant are that the 2nd respondent has not passed orders albiet he was found unfit for all categories of posts by the Medical Board twice. Respondents retiring the applicant while he was on sick leave is incorrect. Treating the period of absence as sick leave and thereby, denying leave encashment is irregular.

5. Heard both the counsel and perused the pleadings on record.

6. I. Ld. Counsel for the applicant prayed to dispose of the OA by directing the 2nd respondent to take a decision on the medical reports submitted by the Medical Board in regard to the applicant. In response, the Ld. Counsel for the respondents has submitted that the applicant has already

retired on 30.6.2020 and therefore, the question of taking a decision on the medical reports referred, does not arise.



II. After hearing both the sides and on perusal of the records, it is seen that the Medical Board constituted with the approval of the 2nd respondent has on two occasions i.e. on 9.1.2020 and again when a clarification was sought on 20.2.2020, has categorically stated that the applicant is unfit to work in any category of post. The 2nd respondent has not passed any orders on the reports of the Medical Board till the applicant has retired on 30.6.2020. The grievance of the applicant is that he has to be retired on medical invalidation on being found unfit, as per relevant rules of the respondents organization and if done, he would be eligible for certain consequential benefits. Ld. Counsel for the applicant submitted that the respondents contrived to deny the same.

III. In view of the aforesaid, the applicant is directed to submit a comprehensive representation to the 2nd respondent stating the relevant rules and law for seeking the relief sought, within a period of 2 weeks from the date of receipt of this order. Thereafter, the respondents are directed to dispose of such representation, within 4 weeks from the date of receipt of the same, in accordance with rules in vogue and as per law, by issuing a speaking and reasoned order.

IV. With the above direction, the OA is disposed of with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

al/evr

(ASHISH KALIA)
MEMBER(JUDL.)