

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00336/2020

Jabalpur, this Wednesday, the 01st day of July, 2020

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Mukut Bihari Meena S/o Mathura Lal Meena, aged 54 yrs.
 Designation Senior Section Engineer (Carriage & Wagon)
 under Sr. Divisional Mechanical Engineer,
 DRM Office, DO Batti Ratlam, Pincode-457001,
 Address-1045 Road No. 01, New Railway Colony,
 Ratlam (M.P.) -Applicant

(By Advocate **-Shri M.N.Banerjee**)

V e r s u s

1. Union of India, through the General Manager,
 1st Floor, G.L.O. Building Western Railway Churchgate,
 Mumbai-400020
2. Chief Mechanical Engineer, 1st Floor, G.L.O. Building
 Western Railway Churchgate, Mumbai-400020
3. DRM, Ratlam Division, Western Railway,
 Ratlam, M.P., Pin 457001 - Respondents

(By Advocate **-Shri A.S.Raizada**)

O R D E R (ORAL)

By Ramesh Singh Thakur, JM:-

This Original Application has been filed against the inaction on behalf of the respondent department, whereby, the applicant has not been called for interview, which is fixed for today.

2. Precisely the case of the applicant is that as per Annexure A-1 the applicant has filed the application for selection to Group 'B' posts of AME/AWM (Regular 70%)-Mechanical Department.



3. The applicant has appeared in the written examination and he has qualified the same and thereafter the interview has been fixed on 01.07.2020.

4. It has been submitted by the applicant that the applicant belongs to Scheduled Caste category. The result of the written exam was declared on 11.03.2020 (Annexure A-2) and the name of the applicant appeared at serial No. 3.

5. As per letter dated 15.04.2020 of Chief Medical Superintendent,(Ratlam Division) the applicant was medically examined on 19.03.2020 and the opinion of the CMS is reproduced as below

"He was examined on dated 19.03.2020 JRH/MMCT and it has been opined that his disease is well controlled with medication and he may be given job under supervision as AME."



6. The personal department of the respondents has written a letter to the Chief Medical Superintendent, Ratlam and it has been requested that the applicant be examined medically and the medical certificate regarding the fitness be given. The CMS, Ratlam has refused to give the medical fitness certificate on the analogy that the opinion has already been rendered on 15.04.2020.

7. The respondents has invited our attention by referring to Annexure A-3, whereby, the applicant is suffering from a disease and as per Annexure A-4 Rule 574 of the Railway Medical Manual, there is list of post for which the persons can be considered only after the candidates are recovered.

8. At this stage, we are of the opinion that the CMS has not clearly given the medical certificate qua the applicant regarding his fitness and only the opinion has been rendered vide Annexure A-3 for the disease of the applicant that his disease is well

controlled with medication and he may be given job under supervision as AME.



9. In such circumstances, we hereby direct the CMS to give the clear cut certificate regarding the fitness/unfitness of the applicant qua the post in question on which the applicant can be appointed within a period of one week from today, and if the applicant is found fit, the respondents shall call the applicant for the interview as a special case.

10. In the meanwhile, the respondents shall not declare the result of the post in concern.

11. With this observation, this Original Application is finally disposed of.

(Naini Jayaseelan)
Administrative Member
rn

(Ramesh Singh Thakur)
Judicial Member