

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**



OA/350/680/2020
MA/350/409/2020

Date of Order: 25.09.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Sudama Mandal, son of late Dhaneshwar Mandal, aged about 59 years, residing at New Vikramshila Colony, Tilkamanjhi, Near Shiv Mandir, P.O. & P.S. Tilkamanjhi, Dist- Bhagalpur, State- Bihar, Pin- 812001 working in the post of Parcel Porter at Bhagalpur Railway Station under Malda Railway Station under Malda Railway Division of Eastern Railway, Kolkata.
2. Mukesh Kumar Mandal, son of Sudama Mandal, aged about 47 years, residing at New Vikramshila Colony, Tilkamanjhi, Near Shiv Mandir, P.O. & P.S. Tilkamanjhi, Dist- Bhagalpur, State- Bihar, Pin- 812001.

..... Applicant.

-Versus-

1. Union of India represented by the General Manager, Eastern Railway, 17 Netaji Subhas Road, Kolkata- 700001.
2. The Principal Chief Personnel Officer, Eastern Railway, 17 Netaji Subhas Road, Kolkata- 700001.
3. The Divisional Railway Manager (DRM), Malda, Eastern Railway, DRM Office, P.O. Malda, Pin- 732101.
4. The Senior Divisional Commercial Manager (Sr. DCM) Malda, E. Railway, DRM Office, P.O. Malda, Pin- 732101.



5. The Principal Chief Medical Director, E. Railway, 17 Netaji Subhas Road, Kolkata- 700001.
6. The Additional Chief Medical Director (MS&PIO), E. Rly. 17 Netaji Subhas Road, Kolkata- 700001.
7. The Chief Medical Superintendent, Malda Division, E. Rly. Malda, P.O. Malda, Pin- 732101.
8. The Station Superintendent, Bhagalpur Railway Station, P.O. & P.S. Bhagalpur, Bihar, Pin- 812002.

.....Respondents.

For the Applicant(s): Mr. B. Bhushan, Counsel

For the Respondent(s): Mr. N. D. Bandyopadhyay, Counsel

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Id. Counsel for both the parties.

2. MA. 350/409/2020 filed by the applicants for joint prosecution, is allowed.
3. This application has been filed by the applicants to seek the following reliefs:

"8.(a) Mandatory direction upon the respondents to constitute a Special Medical Board on the basis of all existing medical reports;

(b) To direct the respondents no. 5 to declare the applicant no. 1 as medically unfit if the report of Special Medical Board contemplates the same;

(c) To grant all the benefits as it is applicable to medically unfit employee;

(d) Direction upon the respondents to release the salary from the month of October, 2019;

(e) Cause of production of entire records;

(f) Cost of the suit;

(g) Any other order or orders as this Hon'ble Tribunal may deem fit and proper."

4. As his prayer for constitution of a Medical Board has failed to elicit a response, with the consent of the parties we direct the respondents to constitute a Medical Board immediately, if the same is required to be constituted, to examine the applicant and to get a report from the Board before the retirement of the applicant.

Respondents are also directed to communicate such report to the applicant immediately thereafter but 7 days prior to his date of superannuation.

5. Accordingly, the OA stands disposed of. No cost.

MA also stands disposed of.



(Dr. Nandita Chatterjee)
Member (A)

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(Bidisha Banerjee)
Member(J)