

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 21st day of May, 2004.

Original Application No. 361 of 1997.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. S.K. Hajra, Member- A.

Sunil Kumar Sharma S/o Sri R.S. Sharma

R/o Railway Qr. No. MB/534-B, Rani Laxmi Bai Nagar,
Jhansi (U.P.)

.....Applicant

Counsel for the applicant :- Sri Rakesh Verma

V E R S U S

1. Union of India through the General Manager,
South Eastern Railway Hdq's office, Calcutta.
2. Chief Personnel Officer, South Eastern Railway,
Head quarters office, Garden Reach, Calcutta.

.....Respondents

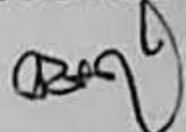
Counsel for the respondents :- Sri P. Mathur

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

The applicant herein was selected for appointment to the post of Assistant Driver. He was however, declared medically unfit for the post. The relief claimed herein is that the respondents be directed to consider the applicant for alternative appointment in terms of Railway Board circular dated 23.11.1979 a copy of which has been enclosed as annexure- 6.

2. The case of the respondents on the other hand is that the applicant was asked to appear in another medical test vide letter dated 30.10.1996 to ascertain his fitness in the lower alternative category but the applicant did



not respond. In the RA, it has been stated that the letter aforesaid was not ^{received by the applicant and since it was not} sent by ~~the~~ registered post ^{and in the circumstances} there can be no presumption of service of the said letter. We are of the view that it would be in the interest of justice to direct the respondents to arrange ^{for} a fresh medical examination of the applicant so as to ascertain his fitness in the lower alternative category.

3. Accordingly the O.A is disposed of with direction to Chief Personnel Officer, South Eastern Railway, Head Quarters Office, Garden Reach, Calcutta (respondent No. 2) ~~shall~~ ^{to} arrange ^{for} fresh medical examination of the applicant with a view to ascertain his fitness in the lower alternative category as per rules within a period of four months from the date of receipt a copy of this order. No costs.

S. Anand
Member- A.

P. S. Rao
Vice-Chairman.

/Anand/