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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 12th day of September, 2000

Original Application No. 938 of 1997

District : Allahabad

CURIA

hon'ble Mr. Rafiquddin, J.M.

hon'ble Mr. S. Viswas, A.M.

Hari Narain Ram S/o Sniv Prasad,

Resident of 4/23, L.I.G. Avas Vikas Colony,

Yojna-3, Jhunsi, Allahabad.

(Sri A.A. Anasari, Advocate)

..... Applicant

Versus

1. The union of India through

General Manager (Karmik Anubhag),

Northern Railway, Baroda House,

New Delhi.

2. The Divisional Rail Manager,

Allahabad.

3. The Railway Recruitment Board,

Allahabad.

(Sri A.K. Pandey, Advocate)

..... Respondents

O R D E R (U\_r\_a\_l)

by hon'ble Mr. Rafiquddin, J.M.

The applicant appeared and was declared successful for the post of Assistant Station Master in the selection which was conducted by the Railway Recruitment Board.

The applicant belongs to SC category. The Railway Recruitment Board prepared a panel of 18 candidates belonging to SC/ST communities on 15-3-1994 and sent the same to the Divisional Railway Manager, Allahabad.

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The name of the applicant appeared at Serial No.8 of the aforesaid list. The applicant was medically examined but he was declared unfit in A-2 medical category which is necessary for the post of Assistant Station Master, On 2-7-1994 vide Unfit Certificate No.189538. The applicant has, therefore, filed this OA for issuing a direction to the respondents to appoint the applicant for any post of any category either Category 'B' or Category 'C' for which he is medically fit for recruitment of SC candidates.

2. The respondents in their counter affidavit have taken the plea that the OA is time barred <sup>Pr</sup> ~~after~~ for having been filed more than three years and due to lapse of time all the posts of lower categories have been filled up and, therefore, it is not possible for the applicant to arrange appointment of the applicant in the lower category.

3. We have heard Sri A.A. Ansari, counsel for the applicant and perused the record. It is not disputed by the applicant that he was found unfit <sup>~ A-2 R</sup> ~~due to~~ medical category. However, it has been contended that it was <sup>Pr</sup> ~~not necessary~~ to the respondents to get the applicant medically examined for any other medical category and provide him job accordingly in terms of the Railway Board Circular No.6478-No.831E/40/VIII(E4) dated 22-2-1976, which provides that in case any SC/ST candidate has been found medically unfit for any particular post the <sup>post</sup> should be provided any alternative category on the basis of the medical category. The respondents have also not disputed this Railway Board Circular but have pleaded that on account of lapse of time it is not possible to provide job to the applicant. However, we find that the explanation given by the respondents is not justified

and convincing. We find from the record, ~~at~~ the DRM, Northern Railway, Allahabad, respondent no.2 himself vide letter No.220E/ET-3/ASM/Recruitment 94 dated 5/6-6-1995 addressed to the General Manager (Personnel), Headquarters, New Delhi has sought appropriate directions/orders for appointment of the applicant on some alternate post as per his medical fitness because at the time of his medical examination only one category A-2 was mentioned. It was necessary at that time that the medical examination of the applicant should have been carried out for any other medical category so that alternate job might be given to him. We, therefore, find force in the OA <sup>A because</sup> and the respondents were required to act in accordance with the provisions of the Railway Board letter in question and also pass suitable order on the letter of the DRM, Allahabad Division, referred to above. We, therefore, dispose of this OA with the direction to the respondents that the applicant be medically re-examined for other medical categories and provide him job suitable to his category. This exercise will be carried out within three months from the date of communication of this order. There shall be no order as to costs.

S. Ban *Raghavendra*  
Member (A) Member (J)

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