

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 27th day of AUGUST 2004.

Original Application no. 947 of 2004.

Hon'ble Mrs. Meera Chhibber, Member-J
Hon'ble Mr. S.C. Chaube, Member-A

Nirbhay Mathur, S/o V.K. Mathur,
41B/1C, Saket Nagar, Dhoomanganj,
Allahabad (UP 211011).

... Applicant

By Adv : Sri R. Pandey
Sri S. Srivastava

V E R S U S

1. Union of India through General Manager (P),
Northern Central Railway (N.C.R.), Allahabad.
2. General Manager (P), Northern Railway,
Head Quarters, Baroda House,
New Delhi.
3. General Manager, Northern Central Railway (NCR),
Allahabad.
4. Divisional Railway Manager (DRM),
NCR/NR, Moradabad.
5. Secretary Railway Board,
New Delhi.
6. Chairman, Railway Recruitment Board,
Allahabad.

... Respondents

By Adv : Sri A.K. Gaur

...2/-



2.

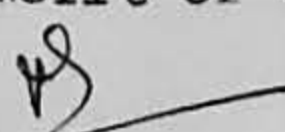
O R D E R

Mrs. Meera Chhibber, JM.

By this OA, the applicant has sought ~~for~~ direction to the respondents to consider the case of the applicant forthwith and to issue appointment letter for alternative post (A3 and below) on the basis of departmental circular dated 20.8.1999 and to ensure the appointment and joining on the said post.

2. The brief facts, as stated by the applicant, are that the applicant was selected for the post of Assistant Station Master (ASM) through a direct competitive examination held by the Railway Recruitment Board (RRB) Allahabad. He was called for medical examination on 22.8.2002, where he was declared unfit. Therefore, he gave a representation to the General Manager (P) on 26.3.2004 requesting him to give some alternative appointment in view of their own circular as has been referred to above (Pg 20). He has also invited our attention to Page 17 wherein the DRM, Northern Railway, Moradabad had addressed ^{a l} ~~the~~ letter to the General Manager (P) requesting him to inform them as to how the cases of those persons have ^{to be decided H} ~~been examined~~ ^{been} who have ~~declared~~ medically unfit. It is submitted by the applicant that since no reply has been given to him, therefore, he has no other option but to file the present OA.

3. Learned counsel for the respondents seeks time to file reply, but in this case, it is seen that till date the respondents have not given any reply to the applicant, therefore, it would be better if at this juncture this case is decided at the admission stage itself without going into merit of the case by giving



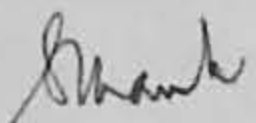
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3.

appropriate direction to the respondents.

4. Since the DRM, Moradabad had himself asked the General Manager (P) as to what should be done with those candidates who have ^{been} declared medically unfit and the applicant has already given representation to the General Manager (P), it would be better, if General Manager (P), is directed to dispose of the representation of the applicant by passing reasoned and detailed order within a period of three months from the date of communication of this order under intimation to the applicant.

5. With the above direction the OA is disposed of at the admission stage itself with no order as to costs.


Member A


Member J

/pc/