

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

(3)

ORIGINAL APPLICATION NUMBER 08 OF 2005

ALLAHABAD, THIS THE 12th DAY OF JANUARY, 2005

HON'BLE MR. V. K. MAJOTRA, VICE-CHAIRMAN
HON'BLE MR. A. K. BHATNAGAR, MEMBER (J)

Prakash Kumar Singh,
aged about 53 years, son of Late Rajendra Singh,
resident of 96, Model Apartment, BT-2,
Behind Aaj Press, Lookerganj, Allahabad.

.....Applicant

(By Advocate : Shri T.S. Pandey)

V E R S U S

1. Union of India through General Manager,
Nor-thern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, North Central Railway,
Allahabad.
3. Senior Divisional Oper-ating Manager, North
Central Railway, Allahabad.
4. Divisional Medical Superintendent,
North Central Rai-lway, Allahabad.

.....Respondents

(By Advocate : Shri A.K. Gaur)

O R D E R

By Hon'ble Mr. V.K. Majotra, V.C.

Learned counsel heard. Applicant has been medically de-categorised for the duties of Guard 'A' Special. He had under gone bypass surgery whereafter he was declared fit for duties for train work on 31.01.2002 (Pg.22) after de-categorisation on 01.03.2001. Learned counsel for the applicant pointed out that while the applicant was declared

fit for duties, he was not provided original duty of Guard Gr.I by Chief Medical Officer. Learned counsel further pointed out that the Chief Medical Officer had not conducted any medical examination and passed such orders. The applicant's representation dated 16.10.2004 has not yet been decided.

2. Learned counsel for the respondents stated that the present application is time barred as the applicant had been declared unfit on 01.03.2001. To this the learned counsel of the applicant replied that vide letter dated 18.11.03 (Pg.24) applicant among others was referred for re-medical examination whereas the Chief Medical Superintendent vide order dated 13.04.2004 declared that the applicant's medical status should remain as before (Status-quo). Learned counsel of the applicant pointed out that this letter was issued without ^{the} ~~taking~~ ^{conduct-} the re-examination.

3. Learned counsel of the respondents stated that letter dated 13.04.2004 has not been challenged by the applicant.

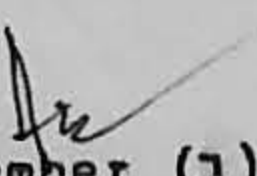
4. Perusal of the letter dated 13.04.2004 does not indicate that any medical re-examination as required had been conducted. It is not necessary in the interest of justice that any further time should be wasted for allowing the applicant to challenge this letter dated 13.04.2004. It is clear from the documents placed before us that while the applicant was required to be medically re-examined, without any medical re-examination, the Chief Medical Officer has declared vide letter dated 13.04.2004 that status-quo as before regarding applicant's medical status.

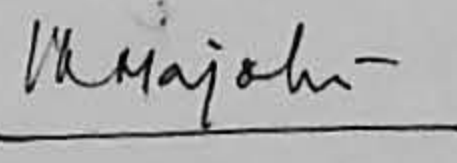
5. Taking into account the contention made on behalf of both the sides, we are of the view that this O.A. can be

(5)

// 3 //

disposed off at the admission stage itself in the interest of justice that while the interest of the respondents shall not be prejudiced, they could be directed to ^{conduct the} take medical re-examination of the applicant whether he is fit for duties for train work and decide upon the applicant's representation dated 16.10.2004 by passing a detailed and reasoned order within a period of 2 months from the date of communication of this order. The O.A. is disposed off accordingly. No order as to costs.


Member (J)


Vice-Chairman
12.1.05

shukla/-