

**Central Administrative Tribunal, Allahabad Bench,
Allahabad**

**

O.A. No. 330/00454/2021

This the 5th day of August, 2021.

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

Hon'ble Mr. Tarun Shridhar, Member (A)

Ajeet Kumar, Aged about 38 years, S/o Shri Ram Swaroop Singh Yadav, presently posted as Trolley Man at Panki Station, North Central Railway, Kanpur.

.....**Applicant**

By Advocate: Shri Ashish Srivastava

Versus

1. The Union of India, through General Manager, North Central Railway, Headquarter, Subedarganj, Allahabad.
2. Senior Divisional Personnel Officer, North Central Railway, Allahabad.
3. Medical Director, Central Hospital North Central Railway, Nawab Yusuf Road, Allahabad.
4. Chief Medical Superintendent, North Central Railway, Kanpur.

.....**Respondents**

By Advocate: Shri Shesh Mani Mishra

ORDER

By Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

Shri Ashish Srivastava, learned counsel for applicant and Shri Shesh Mani Mishra, learned counsel for respondents, both are present online.

2. Heard learned counsel for both the parties on admission and perused the records.
3. The applicant was appointed as a Trackman in North Central Railway, Kanpur in the year 2013 and was later promoted as Trolleyman. Unfortunately, due to some kidney problem, he had to undergo a major

surgery and thereafter several complications developed in his body including symptoms of Epilepsy.

4. As the applicant had become very weak after the surgery, he was deputed for some light duty. Thereafter, he was referred to Allahabad for re-medical examination and from Allahabad he was referred to SGPGI, Lucknow for seeking advice. Ultimately, the applicant was examined by Standing Divisional Medical Committee which submitted its report on 23.06.2021, according to which, "the applicant has been found fit as a Trolleyman in his original medical category A-3. However, he should not be allowed to work alone or independent and if any episode of convulsion occur, it may be witnessed and reported for review."

5. The applicant is aggrieved by the aforesaid medical report, dated 23.6.21 and by means of this O.A. has prayed to quash the same. As an interim measure, it has been prayed by the applicant that the operation of the impugned medical report dated 23.06.2021 be stayed.

6. The learned counsel for the respondents Shri Shesh Mani Mishra has raised a preliminary objection against the maintainability of this O.A. by contending that the applicant by means of this O.A. has challenged the medical report submitted by a panel of experts/doctors and the tribunal is not an expert body having the competency to review the report of the doctors who are experts in their field. Moreover, the medical report does not come under the purview of service matter therefore a medical report can neither be stayed nor be quashed in the O.A.

7. Having heard learned counsel for both the parties, we are of the firm view that the prayer made in this O.A. is misconceived. The impugned order

is a report submitted by the Standing Divisional Medical Committee comprising of doctors and the court should not interfere in the report submitted by a panel of experts/doctors. The O.A. being misconceived cannot be admitted. However, keeping in view that in the impugned report dated 23.06.2021, the medical board itself has suggested that “if any episode of convulsion occur it may be witnessed and reported for review”, the O.A. is finally disposed off at admission stage, with the direction to respondent No.3 to review the case of the applicant in the light of his earlier medical reports and especially the report of SGPGI, Lucknow within a period of three months from the date of receipt of certified copy of this order. Till then, the applicant will not be deputed to work as a trolley man and will be engaged in some lighter duty.

Hon’ble Shri Tarun Sridhar, Member (Administrative) has consented to this order during virtual hearing.

(Tarun Shridhar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

Sushil