

Open Court

Central Administrative Tribunal, Allahabad Bench, Allahabad

This the 22nd day of September, 2021.

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

Hon'ble Ms. Pratima K Gupta, Member (J)

Original Application No. 330/724/2021

Mohit Guptas s/o Shri Om Prakash Gupta
R/o 434 Bibizai Chauraha Near Gandhak Factory
Anandpuram Colony Shahjahanpur

..... APPLICANT

By Advocate: Shri Anuj Bajpai

Versus

1. Union of India through its Secretary of Ministry of Railways south Block, D.H.Q. New Delhi 110011.
2. Chairman Railway Recruitment Board Railway Colony, Near Railway Station Chandigarh
3. Chief Health Director Badoda House New Delhi.

.....RESPONDENTS.

By Advocate: Shri Girijesh Kr Tripathi

ORDER

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

1. Shri Anuj Bajpai, learned counsel for the applicant and Shri Girijesh Kr Tripathi, learned counsel for the respondents, are present.
2. Heard learned counsel for both the parties and perused the records.
3. The applicant is aggrieved that despite his selection for a grade C post in the Indian Railways, he has not been offered appointment and that he has been declared medically unfit.

4. The learned counsel for the applicant submits that the respondents be directed to reconsider the claim of the applicant by subjecting him to a fresh medical representation.

5. The learned counsel for the respondents submits that the applicant doesn't need any further remedy after the medical opinion of the Chief Medical Director and the only recourse available to him in accordance with the rules is that he should get himself medically examined from a qualified doctor, obtain a positive report and submit the same to the authorities. If he does so, the authorities may be inclined to re-examine the issue strictly in accordance with the rules.

6. Since it is not possible for us to directly provide the relief or even adjudicate upon it as the applicant has sought the direction to quash the medical report for which we are not competent, the O.A. is disposed off at this initial stage with a direction to the respondents that should the applicant make a comprehensive representation in accordance with the rules, the same may be considered sympathetically and decided within a period of four weeks from the date of filing of such a representation.

7. The applicant is allowed a liberty of one week to file a representation in this regard.

8. The instant O.A. is accordingly disposed off.

9. There shall be no order as to costs.

(Pratima K. Gupta)

Member (J)

(Ritu Raj)

(Tarun Shridhar)

Member (A)