

## CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration(OA) No.398/88

Ravi Shanker Piplani .... applicant.

Versus

General Manager, Northern Railway  
and another .... Respondents.

Hon'D.S.Misra,A.M.

Hon'ble G.S.Sharma, JM.

( Delivered by Hon'ble DSMisra)

In this application under Section 19 of the A.T.Act,XIII of 1985, the applicant has sought a direction to the respondents to allow the applicant for re-medical test at Delhi or Patna and to permit the applicant to join as Office Clerk instead of Coaching Clerk.

2. The applicant was selected for the post of Coaching clerk by the Railway Service Commission Allahabad and on receipt of a letter from the Chief Personnel Officer,Northern Railway, New Delhi the applicant appeared for medical test before the Medical Superintendent, Main Station,Delhi on 27.6.1986. In the medical test, the applicant was declared unfit. The applicant submitted an appeal to the General Manager,N.R. on 8.7.86(copy annexure-3 requesting for re-medical but did not receive any reply. He sent a reminder on 9.7.87 and has not received any reply to this also(copy Annexure -5).

3. We have heard learned counsel for the

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applicant and carefully perused the documents on record. On going through the representation dated 8.7.86 of the applicant, it is found that the applicant was ~~made~~ <sup>found</sup> unfit because of heart trouble.

In his application, he has requested that he may be given posting for light duties as Office Clerk instead of Coaching clerk as he is the only son of his father who has retired on 30.6.86. In this application, there is no mention of any request for re-examination nor any assertion that the medical report suffered from any defect. The applicant has failed to establish that he was entitled to appointment as Office Clerk while he was actually selected for the post of Coaching Clerk. As the applicant has not challenged the medical report his request for holding a fresh medical examination and appointment as Coaching Clerk has no basis and he has also failed to establish that any of his rights under any law has been infringed by the respondents.

For the reasons mentioned above, we are of the opinion that this application is not maintainable under the A.T. Act and is accordingly rejected at the admission stage.

*J.M.*

J.M.

*A.M.*

A.M.

JS/ 13.9.1988