

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.**

MONDAY, THIS THE 13TH DAY OF NOVEMBER, 2006

QUORUM : HON. MR. K. ELANGO, J.M.

HON. MR. M. JAYARAMAN, A.M.

ORIGINAL APPLICATION NO.564 OF 2003

Mohanji Malviya, Son of, Late Jai Ganesh Malviya,
resident of 467/407, Malviya Nagar, Allahabad.

..... Applicant.

Counsel for applicant : Shri D.K. Mishra.

Versus

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. The Divisional Railway Manager, North Central Railway, Allahabad.
3. The Divisional Personnel Officer, North Central Railway, Allahabad.
4. Chief Medical Superintendent, Railway Hospital, North Central Railway, Allahabad.

..... Respondents.

Counsel for Respondents : Sri T.N. Koel.

ORDER

HON. MR. M. JAYARAMAN, A.M.

The short point involved in this O.A. is that the applicant namely, M.G. Malviya was decategorised on the basis of medical examination of his eyes on 20.1.1988 and he was reverted from the post of Shuntman to Marksman and has not been promoted since then.

2. The brief facts of the case are that the applicant was directed to appear before the Medical Board on the instructions issued by the Northern Railway in January, 1988 when he was found not to be having normal vision and for this he was reverted from the post of Shuntman, Grade-II to Marksman. He got

his eyes tested by various Eye hospitals like, All India Institute of Medical Sciences, New Delhi, Dr. Rajendra Prasad Institute of ^{ophthalmic} ~~Botheuses~~ Science, ~~AA~~ Medical College, Allahabad ^{etc} who found that his vision was normal. His plea for promotion was not heeded by the Respondents. So he filed O.A. No.992 of 1999, which was disposed off by this Tribunal with a direction to the Respondents to decide the representation regarding medical examination of the applicant. It was rejected on the ground that there is no provision for independent medical examination by any medical authorities other than Railway. Subsequently, by letter dated 29.8.1989, he was directed to attend Chief Medical Officer, Baroda House, New Delhi for medical examination on 31.8.1989 and 1.9.1989 at 1000 hrs. The applicant complied accordingly and his eye was examined by Dr. Shailendra Choudhary, but till date, no result was declared.

3. We have duly considered all the submissions of both the sides. In the circumstances of the case, we direct the respondents to declare the results of the medical examination conducted on the applicant on 31.8.1989 and 1.9.1989 within a period of three weeks and if he is found to be fit, further necessary action should be taken for promoting him as per rules.

No order as to costs.


A.M.


J.M.

Asthana/