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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.NO.610 OF 2013
Cuttack this the 6th day of September, 2013

CORAM
HON'BLE SHRI A.K.PATNAIK, MEMBER(J)
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Prakash Chandra Biswal
Aged about 34 years
S/o. Anadi Biswal
At-Beda
PO-Panchapara
Via-Balmi
PS-Rasol
Dist-Dhenkanal (Odisha)

...Applicant

By the Advocate(s)-Mr.L.Kanungo

-VERSUS-

Union of India represented through

1. The General Manager
East Coast Railway
East Coast R.Sadan
Chandrasekharpur
Bhubaneswar
Dist-Khurda
Orissa
2. The Chairman,
Railway Recruitment Cell
East Coast Railway
2nd Floor,
South Block
Rail Sadan
Chandrasekharpur
Bhubaneswar
Dist-Khurda, Orissa
3. Assistant Personal Officer(Recruitment)
Railway Recruitment Cell
East Coast Railway
Rail Sadan
Chandrasekharpur
Bhubaneswar

Alleged

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Dist-Khurda,
Orissa

...Respondents

By the Advocate(s)-Mr.T.Rath

ORDER(Oral)

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

Heard Shri L.Kanungo, learned counsel for the applicant and Shri T.Rath, learned Standing Counsel, on whom a copy of the O.A. has been served appearing for the Respondents and perused the materials on record.

2. The instant O.A. has been filed by the applicant alleging that though he has qualified in the written test and subsequent physical fitness examination for which due document verification was conducted by the Respondent-Railways and in pursuance of this evidence he was directed to appear before the Medical Board for medical examination on 17.12.2012, (Sr.Divisional Medical Officer, East Coast Railway, Khurda Road) and was declared to be coming ^{under} Aya-two but subsequently, before issuing order of appointment, he was directed to appear before the Respondent No.3 on 30.01.2013 with all original certificates for verification of his document and for medical examination which was received by the applicant on 31.1.2013. In pursuance of the said letter the applicant is stated to have appeared before the authorities and he was further sent for medical examination on 4.2.2013 before the Railway Central Hospital, Mancheswar where he did appear and was declared to have been coming under B-1 category for selection to Group-D post in the said selection process. Again the applicant was directed to appear before the Railway Hospital, Waltair and the medical report came in conformity with the report issued by the Central Railway Hospital, Mancheswar, Bhubaneswar, i.e., B-1 category.

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3. Shri Kanungo, learned counsel for the applicant submitted that while the applicant appeared for the first medical examination on 17.12.2012 he was working in a Company as Fire Fighter he sustained injury in his eye due to pouring of chemical. By drawing our attention to the order dated 29.7.2012 passed by the Assistant Personnel Officer (Recruitment), Respondent No.3, Shri Kanungo submitted that although the applicant was duly selected in the written test as also PET examination for appointment pursuant to employment notification dated 17.12.2010, after examination of medical test, he has not been given appointment on the ground that he gained over the railway medical board in getting fit certificate earlier as Aye-two even if in the subsequent two tests he was found fit as B+1 and in view of this, his candidature for appointment against the post of Helper-II has been rejected. It is the case of the applicant that against the above rejection order the applicant has submitted a representation dated 3.8.2013 before the Chairman, Railway Recruitment Cell, Bhubaneswar, which is yet to be considered by the former.

4. ~~While the matter stood thus~~ ^{On the other hand} ~~the matter stood thus~~ Shri T.Rath, learned Standing Counsel for the Respondents submitted that there is no such authority like Chairman, Railway Recruitment Cell, Bhubaneswar. According to Shri Rath it should have been Assistant Personnel Officer Recruitment, Railway Recruitment Cell, Bhubaneswar. Therefore, Shri Rath submitted that in such contingency, the representation preferred by the applicant cannot be considered.

5. We have considered the submissions made by the learned counsel for both the sides. In the fitness of things, we direct the applicant to file a detailed representation ventilating his grievances before Respondent No.3 within a period of one week from the date of receipt of this order and in case any such

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representation is received by Respondent No.3 within the time stipulated, he shall consider and dispose of the same through a reasoned and speaking order under intimation to the applicant within a period of two months.

6. With the above observation and direction, this O.A. is disposed of at the stage of admission. No costs.

7. Send a copy of this order along with paper book to Respondent No.3 at the cost of the applicant for which Shri Kanungo undertakes to file the postal requisites with the Registry by 11.9.2013.

8. Free copy of this order be also made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

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