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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00254 OF 2014
Cuttack this the 23rd day of April, 2014

CORAM
HON'BLE MR. A.K.PATNAIK, MEMBER (JUDL.)
HON'BLE MR. R.C.MISRA, MEMBER (ADMN.)

.....

Surya Kant Kumar,
aged about 30 years,
S/o- Bindheswari Singh,
Vill/PO -- Prasadi English, Arwal,
Bihar, PIN-804401.

.....Applicant

Advocate(s)- M/s- N.R. Routray, Smt. J. Pradhan, T.K. Choudhury, S.K.Mohanty

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
E.Co.R Sadan,
Chandrasekhpur,
Bhubaneswar,
Dist-Khurda.
2. Chairman,
Railway Recruitment Cell,
East Coast Railway, 2nd Floor,
Rail Sadan, Chandrasekhpur,
Bhubaneswar-17,
Dist- Khurda.
3. Chief Medical Director/
East Coast Railway/
Rail Sadan, Chandrasekhpur,
Bhubaneswar-17,
Dist-Khurda.

..... Respondents

Advocate(s)..... Mr. T. Rath

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Copy of this O.A. has been served on Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, who accepts notice for all the Respondents in this OA. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Heard Mr. N.R.Routray, Learned Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, and perused the materials placed on record.

2. The submission of Mr. Routray, Ld. Counsel for the applicant, is that the applicant was called upon by the Railway-department for verification of document and was sent for the medical test on 22.05.2012 for appointment to the post of Jr. Trackman and Helper-II. On 23.08.2012 the applicant was informed that he has been declared unfit in Bee-One medical category by the concerned medical authority and he was given liberty to make an appeal to the Chief Medical Director, E.Co.Rly., Bhubaneswar through Deputy Chief Personnel Officer (Recruitment), E.Co.Rly. within a period of 30 days. It is submitted by the applicant that he made such an appeal on 23.09.2012 vide Annexure-A/5 annexed to this O.A. Vide letter dated 16.10.2013 he was informed that it was decided to consider his re-medical examination only after getting correct medical certificate along with proper endorsement by a medical practitioner. Accordingly, he was asked to submit his appeal for re-medical examination. Further on 28.10.2013, the applicant submitted his appeal along with the medical fitness certificate with proper endorsement by a medical practitioner concerned. Thereafter, on



01.01.2014, he was intimated that his appeal for re-medical examination was considered and he is to appear before the Medical Board on 20.01.2014 for re-medical examination. Accordingly, his medical check up was completed on 21.01.2014. Thereafter, there has been no further communication to the applicant regarding medical test and his appointment. Ld. Counsel for the applicant, Mr. Routray, has submitted that because of this non-communication applicant submitted a representation to the Chairman, Railway Recruitment Cell, Respondent No.2 in the O.A., on 03.02.2014 in which he made a prayer that his appointment order should be issued as early as possible. After this representation also no communication has been received by the applicant from the Respondents-authorities. Applicant has enclosed a copy of Standards Description for different Medical classification under Annexure-A/10 of this O.A.

3. On the other hand, Mr. Rath, Ld. Standing Counsel for the Railways, has submitted that such matters should be decided as per the laid down standards by the various experts. However, he does not have any specific instruction about fate of the representation which was submitted by the applicant on 03.02.2014.

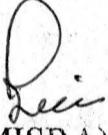
4. Taking into account the various submissions made by Ld. Counsel for both the sides, without going into the merit of this case, we direct Respondent No.2 to consider and dispose of the representation stated to be filed by the applicant on 03.02.2014, if it is still pending at his level, with a reasoned and speaking order within a period of 60 (sixty) days from the date of receipt of copy of this order and communicate the result thereof to the applicant. Till the representation is disposed of by the Respondent-



authorities as per the orders of this Tribunal, one post may not be filled up if the same is vacant.

5. With the above observation and direction, this O.A. is disposed of at the stage of admission itself.

6. As agreed to by Ld. Counsel for both the sides, copy of this O.A., along with the copy of this order, be transmitted to Respondent No. 2 by Speed Post at the cost of the applicant, for which Shri Routray undertakes to furnish the postal requisites by 25.04.2014. Free copies of this order be given to the Ld. Counsel for both the sides.


(R.C.MISRA)
MEMBER (Admn.)


(A.K.PATNAIK)
MEMBER (Judl.)

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