

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.500/2007

Dated 29th day of Febraury, 2008

CORAM :

**HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE DR.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

N Janardhanan
L.P. (Group D),
Tirur Railway Station, Tirur
Residing at Sreenarayanan,
Thadangathuvayal, Erunajikkal P.O.,
Via Mukavoor, Kozhikode. Applicant

By Advocate Mr.P.A.Kumaran

V/s

- 1 Union of India represented by
General Manager,
Southern Railway,
Park Town, Chennai
- 2 The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division
Palghat.
- 3 R.Jyothidas,
Ticket Collector Squad I,
O/o Chief Traveling Ticket Examiner,
Palghat Junction Railway Station,
Palghat. Respondents

By Advocate Mr.K.M.Anthru

The application having been heard on 29.2.2008 the Tribunal on the same day delivered the following :



(ORDER)**Hon'ble Shri George Paracken, Judicial Member**

The applicant is aggrieved by the non inclusion of his name in the select panel dated 27.1.2007 (Annexure A-1) issued by the 2nd respondent for promotion to Group 'C' post of Ticket Collectors in Palghat Division of Southern Railway in the scale of Rs.3050-4590 against vacancies of 33 1/3% of promotion quota. He is also aggrieved by promotion of 3rd respondent as Ticket Collector who is junior to him.

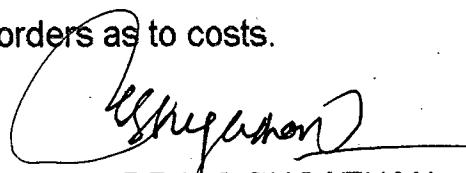
2 The contention of the respondents was that according to the Annexure R-2 Physical Fitness Certificate of the applicant, he was declared as "UNFIT IN AYE TWO" and "FIT IN CEE ONE AND CEE TWO"

3 The applicant has filed a rejoinder stating that he was never assessed for the BEE TWO medical classification and the medical fitness certificate for the present post of Ticket Collector is BEE TWO. He has also submitted that there are precedents that the candidates were sent for a 2nd medical assessment in such cases,. The respondents also in their additional written statement has conceded that in a similar case of one Shri K.Unnikrishnan who was Luggage Porter, he was sent for re-medical examination as per his request at Annexure A 10 representation dated 22.10.2002 and he was found fit in "BEE TWO" in the re-medical examination and thus empaneled as Ticket Collector.

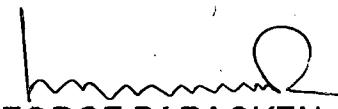
4 In the above circumstances, , we are not inclined to go into the merits of the case. Since the respondents themselves have admitted that



there are precedence where candidates were sent for re-medical examination and also in view of the fact that the R-2 certificate produced by the respondents does not clearly state whether the Applicant was assessed in the BEE TWO category or not, we direct the respondents to send the applicant for re-medical examination for BEE TWO classification and, if he is found fit, to take appropriate action in the matter, in accordance with the rules. OA is disposed of with the above direction. The respondents shall complete the above process within a period of one month from the date of receipt of copy of this order. There shall be no orders as to costs.



DR. K.S. SUGATHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

abp