

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATE: 19.3.1990

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

OA. 158/90

D. Vincent Paul

Applicant

vs.

1. Union of India represented by the  
General Manager, Southern Railway,  
Madras,

2. The Senior Divisional Personnel  
Officer, Southern Railway,  
Palghat and

3. The Chief Medical Officer,  
Southern Railway, Madras

Respondents

M/s. K. Ramakumar,  
V. R. Ramachandran Nair,  
Roy Abraham and  
P. Nandakumar

Counsel for the  
applicants

Mr. M. C. Cherian

Counsel for the  
respondents

ORDER

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant who was a Diesel Assistant was declared unfit by the Medical Board and he was thereafter given an alternative employment in a lower category. The applicant now states that since then there has been considerable improvement in his condition and he has produced a certificate dated 1.8.1989 from Dr. S.

N

Velmurugan, Psychiatrist, Civil Asst. Surgeon, Govt. Hospital, Erode. He therefore has come up with this Original Application seeking direction to the respondents to put him for a re-medical examination to assess his fitness to work in the post of Diesel Assistant.

2. The learned counsel for the respondents produced before us a communication from the Divisional Personnel Officer, Palghat in which it is stated that the applicant was examined for his medical fitness on 10.3.1989 by a Medical Board of the Railway Hospital consisting of three Medical Officers of whom two were Psychiatrists. The Board was of the opinion that he was unfit for the post of Diesel Assistant as it involves quick decision making and presence of mind and that he was fit only for an alternate job not connected with Locomotives or moving vehicles. It is also stated that there is no authority superior to the Medical Board and Chief Medical Officer in the Southern Railway to subject the employee for further examination.

3. We have heard counsel for both the parties. Normally, the certificate given by a Medical Board can be treated to be the final verdict in this regard to an employee's illness. However, in the present case, the applicant claims that there has been further improvement and he has produced Annexure-D certificate dated 1.8.89 referred to above as well as another certificate dated

25.11.89 Annexure-E from the Civil Surgeon,

Coimbatore Medical College Hospital, Coimbatore.

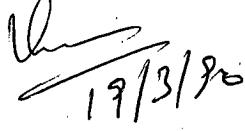
4. In the circumstances, we are of the view that the applicant has made a *prima facie* case that, in the circumstances, he be re-examined by the Medical Board. In the interest of justice, this prayer should be allowed and accordingly we direct the respondents to arrange for the medical examination of the applicant by the Medical Board again. This may be done within a period of three months from the date of receipt of this order. We clarify that this direction does not in any manner inhibit the <sup>the</sup> ~~for~~ <sup>from</sup> Medical Board ~~for~~ <sup>from</sup> taking any decision in this regard.

5. The application is disposed of as above.

  
(N. Dharmadan)

Judicial Member

19.3.90

  
(N. V. Krishnan)

Administrative Member

kmn