

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY - 400614.

(4)

OA No.29/91

Jayant Athawade
59/1 Boat Club Road
Ordinance Estate
Kirkkee; Pune-3

.. Applicant

V/s.

1. Union of India
through Secretary
Railway Board
Ministry of Railways
New Delhi 11
2. The Secretary
Union Public Service Commission
Dholpur House, New Delhi
3. The Deputy Director EsttG(R)
Railway Board
Rail Mantralaya
New Delhi 11
4. The Chief Medical Officer
Central Hospital
Northern Railway
New Delhi

.. Respondents

CORAM: Hon. Shri Justice U C Srivastava, V.C.
Hon. Shri [REDACTED] M Y Priolkar, Member(A)

APPEARANCES:

Shri S P Saxena
Advocate
for the Applicant

Shri A L Kasture
Counsel
for the Respondents

ORAL JUDGMENT:
(PER: U C SRIVASTAVA, VICE CHAIRMAN)

DATED: 17-7-1991

The application involves a short question and hence we propose to dispose the application finally after hearing the counsels on both the sides.

The applicant appeared in the Engineering Services Examination 1989 and after having passed the written examination he appeared before the Interview Board. Thereafter he was asked to appear before the Medical Examination Board. The Medical Officer of the Board observed about the substandard chest and vision and according to the applicant that it was a temporary unfitness which can be overcome.

(S)

The applicant appeared before the Medical Board again and the Medical Board ~~made~~ declared him unfit ^{seven} for all the services, including those services for which he was already declared fit earlier. The applicant thereafter was operated for his eye defect and the Civil Surgeon Bhandara had issued him with a fit certificate. Thereafter he again submitted an application ~~on the~~ and the same was rejected stating that no further correspondence would be entertained in this connection. That is why the applicant has approached this Tribunal with the prayer that the respondents be directed that he be given an offer of appointment against the Engineering Services if he is found medically fit by the Board and he may be declared ~~as~~ not disqualified on the grounds of his medical unfitness.

The respondents have opposed this application and stated that there was no provisions for second medical Board opinion and the Selection List is exhausted. The counsel for the respondents produced a letter ~~dated~~ received by him on 8.7.91 from the Deputy Director (Estt.) Government of India in which the opinion of the eye Specialist has been reported and is as under:

CHALAZION BOTH EYES UPPER LIDS CAN
DEVELOP WITHIN THE PERIOD 6.4.90 (FIRST
MEDICAL EXAMINATION) TO 24.8.90 (DATE OF
SECOND MEDICAL EXAMINATION)

It has been further contended that the applicant consequently developed this defect and cannot be taken into service.

In the circumstances we direct the respondents to call the applicant for medical examination once again and if he ^{is} found to be fit his case be considered for appointment to Engineering Services.

With the above observations the application is finally disposed of with no order as to costs.

(MY PRIOLKAR)
MEMBER(A)

(U C SRIVASTAVA)
VICE CHAIRMAN