

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.335 of 1991

DATE OF JUDGMENT: 25th June, 1993.

BETWEEN:

Mr. K.Venugopal Rao

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Applicant

AND

1. The Union of India,  
Railway Board,  
Ministry of Railway,  
represented by its  
Deputy Director,  
ESST, G(R), Railway Bhavan,  
New Delhi-110001.

2. The Union Public Service Commission,  
represented by its Secretary,  
New Delhi.

3. The Chairman,  
(South Central Railway Hospital),  
Medical Board,  
Secunderabad.

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Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. C.Suryanarayana Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.R.Devaraj, Sr. CGSC

CORAM:

Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman

Hon'ble Shri P.T.Thiruvengadam, Member (Admn.)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE  
SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

The applicant was selected in the Engineering Service in the Railways on the basis of his performance in the Civil Engineering Examination conducted by the Union Public Service Commission in 1989. The Medical Board considered him unfit for the categories II to VI and found him fit for the category VII. Being aggrieved, the applicant preferred an appeal to the appellate Board. The Appellate Board found him unfit <sup>for</sup> in the category VII also.

2. It was contended <sup>for</sup> by the applicant as under:-

When the appeal by the applicant is against the adverse order in regard to the categories 1 to VI, it is not open to the Appellate Board to consider his case in regard to the category VII also when the fitness of the applicant in regard to the said category was not referred to by him. // <sup>copy</sup> Further, a copy of the report of the ~~report of the~~ Appellate Board was not produced but the relevant portion was extracted at Para 2, Page-3 of the counter. It is not clear from the above as to whether the Appellate Board kept in view the different standards for fitness for category VII while giving the above report. Hence, it is just and proper to remit the matter back by directing the 1st respondent to get the applicant examined by the Appellate Board for considering as to whether the applicant is medically fit for category VII on the basis of the Standards fixed for the said category. If ultimately the applicant is found

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medically fit for the said post, he has to be given appointment within one month from the date of receipt of the report from the Appellate Board and on such appointment he will be entitled to the original seniority and ofcourse he will not be entitled to any monetary benefit. The report of the 1st medical Board has to be placed before the Appellate Board at the time of consideration in pursuance of this order.

3. The necessary notice to the applicant requiring him to appear before the Appellate Board has to be given within four weeks from the date of receipt of this order. If the appellate Board is going to find that the applicant is not fit for the category VII, reasons for the same have to be communicated to the applicant, <sup>it is noted</sup> for his stating that he fulfills the necessary standards and he is now actually working as a Lecturer in a private College on temporary basis.

4. The OA is ordered accordingly. No costs.

(Dictated in the open Court).

P. T. Thiruvengadam  
(P.T.THIRUVENGADAM)  
Member(Admn.)

V. Neeladri Rao  
(V.NEELADRI RAO)  
Vice Chairman

Dated: 25th June, 1993.

86/7/93  
Deputy Registrar (J)

vsn

To

1. The Deputy Director, Railway Board, Union of India, Ministry of Railway, ESST, G(R) Railway Bhavan, New Delhi-1.
2. The Secretary, U.P.S.C. New Delhi.
3. The Chiarmen, S.C.Rly Hospital, Medical Board, Secunderabad.
4. One copy to Mr.C.Suryanarayana Rao, Advocate, 6-1-119/5 Padma rao nagar, Secunderabad.
5. One copy to Mr.N.R.Devraj, Sr.CGSC CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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22 July 1993

TYPED BY (3) COMPARED BY  
CHECKED BY (3) APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

*P.T. Tirumangala*  
THE HON'BLE MR. K. BALASUBRAMANIAN :  
MEMBER (ADMN)

AND

THE HON'BLE MR. T. CHANDRASEKHAR  
REDDY : MEMBER (JUL)

DATED: 25-6 -1993

~~ORDER~~ JUDGMENT

R.P./ C.P/M.A.No.

in

O.A.No. 335/91

T.A.No. (W.P.No )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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