

(25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. No.1362/96

Date of decision: 29.11.96

BETWEEN

K. RAJA KRISHNA

.. Applicant

AND

1. The Divisional Railway Manager (P),
South Central Railway,
Hyderabad Division,
Secunderabad
2. The Chief Medical Director,
South Central Railway,
Secunderabad.

.....

Counsel for the Applicant: Mr. K. Vasudeva Reddy

Counsel for the Respondents: Mr. D.F. Paul

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THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

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JUDGEMENT

(Oral order per Hon'ble Shri R. Rangarajan: Member (ADMN.)

Heard Mr. K. Vasudeva Reddy for the applicant and
Mr. D. Francis Paul for the respondents.

The applicant appeared for interview for the post of
assistant teacher in the scale of Rs.1200-2040 in the railway
school ~~in~~ pursuant to the notification No.HYB/01/95/SC (Page-10)
He was informed by the letter No.YP/594/SCH/DR/Pt.IV/95-96
Dt.20.6.96 that he has been placed in wait list ~~in the substitute~~

Panel for that post subject to his medical fitness. It is stated that he underwent the medical examination. The applicant submits that he was not informed of the result of the medical examination. However one finds from the letter Dt.11.7.96 at page-18 of the OA that he failed to qualify in the railway medical examination. It is also seen from the letter No.MO/84/1/Vol.29 Dt.9.10.96 addressed to R-I that R-2 did not approve of his appeal for re-medical examination.

This OA is filed praying for a declaration that the action of the respondents in not issuing medical fitness certificate and posting order to him in pursuance of the appointment order dated 20.6.86 is illegal, arbitrary and unconstitutional and that consequently direct to appoint him as per order Dt.20.6.96.

It is evident from the letter Dt.20.6.96 that he will be considered only for a substitute post and for that post also he is in the waiting list. Posting him even as a substitute teacher needs that he should be fit in the appropriate medical category. But from the annexure it is seen that the railway medical authorities had found him unfit in the appropriate category. It seems that his request for remedical examination was also refused. However the applicant states that he does not want remedical examination and that he further submits that the noted cardiologists of Apollo ^{Hospital} and other cardiologists found him medically fit. Hence prays for consideration of his medical fitness on the basis of those certificates. It is for the Railway medical authorities to consider his case in accordance with the medical rules of the railways and no direction can be given either for re medical examination or reconsideration of his case on the basis of the

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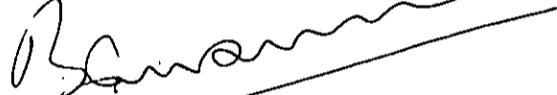
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private medical certificates obtained by him.

In view of what is stated above we do not see any reason to interfere in the orders already passed by the respondents. Hence the OA is dismissed. But liberty is given to the applicant to approach the railway medical authorities or other concerned authorities if he is so advised for re-examination on the basis of the medical certificates obtained by him from the cardiologists and other doctors.

If such a request is received the railway medical authorities may consider his request in accordance with the law.

The O.A is disposed of as above at the admission stage itself. No costs.



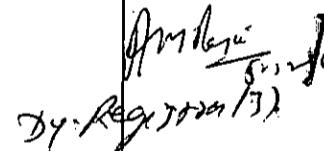
(B.S. JAI PARAMESHWAR)
MEMBER (HUDL.)

29.11.66



(RA RANGARAJAN)
MEMBER (ADMN.)

Dated: 29TH NOVEMBER 1966
Dictated in the open court



Amulya
By Registration

KSM

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Copy to:-

1. The Divisional Railway Manager(P), South Central Rly,
Hyderabad Division, Secunderabad.
2. The Chief Medical Director, South Central Railway,
Secunderabad.
3. One copy to Sri. K.Vasudeva Reddy, advocate, CAT, Hyd.
4. One copy to Sri. D.Francis Paul, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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29/11/96

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)
Am Mr. B.S. Jawanmehar M/T

DATED: 29/11/96

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

D.A.NO. 1362/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

A/w esty govt

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
DESPATCH

18 DEC 1996 New

हैदराबाद बायपीठ
HYDERABAD BENCH