

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 15.07.2015

OA No. 291/00408/2015 with MA No. 291/00244/2015

Mr. M.F. Baig, counsel for applicant.

The O.A. is filed seeking to quash the Annexure A/1 communication dated 14.05.2013 and for a further direction directing the respondents to conduct re-medical examination of the applicant by an independent medical authority/board in pursuance to his appeal dated 08.03.2013 and in case the applicant is found medically fit, he may be issued order of appointment on the post of Gangman with all consequential benefits.

2. Pursuant to Employment Notification No. 02/2010 for recruitment against 5020 posts of Trackman, Khallasi, Helper, Safaiwala, Cook, etc applicant applied for the post of Gangman. He appeared in the written examination on 24.06.2012. He was declared successful in the written examination and thereafter he was subjected to PET on 15.10.2012. It is said that he was declared qualified in the PET as well. The authorities thereafter called for documents verification and medical examination on 21.01.2013 and on 22.01.2013. He was issued authority letter for his medical examination on 23.01.2013. Accordingly, the applicant appeared before the Senior Divisional Medical Officer, North Western Hospital, Ajmer on 23.01.2013 for his medical examination and he was subjected to medical examination on 23.01.2013. It is submitted that on verification from the website of the respondent on 27.01.2013, it was found that the applicant has been declared unfit on medical grounds.

3. The applicant submits that being not satisfied with the medical examination conducted on 23.01.2013, he attended the

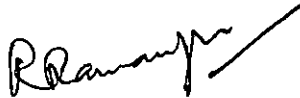
S.M.S. Hospital, Jaipur for his medical examination and on examination his left eye sight was found to be 6/6 whereas his right eye sight was found to be 6/12 and he was categorized as C-1. Thereafter, the applicant also got his medical examination from Dr. Manoj Kabra, Senior Eye Specialist at Jaipur who after examination gave his report in the prescribed proforma wherein it is certified that his left eye sight was found to be 6/6 and right eye sight was found to be 6/12. Copy of the report of Dr. Manoj Kabra dated 07.03.2013 is marked as Annexure A/8.

4. Feeling aggrieved by the medical report issued by the Railway authorities and after medical examination conducted by the SMS Hospital and Dr. Manoj Kabra, the applicant submitted an appeal before the Chief Medical Director, North Western Railway Headquarter, Jaipur on 08.03.2013 (Annexure A/2) along with the medical report issued by Dr. Manoj Kabra.

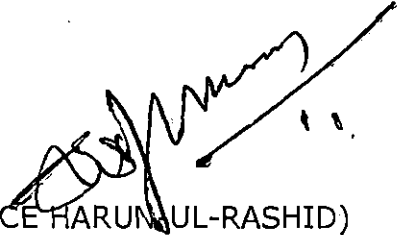
5. In the facts and circumstances of the case, we are of the view that the issue does not require examination on merits at this stage. The appeal preferred by the applicant before the Chief Medical Director, North Western Railway Headquarter, Jaipur is pending consideration. It is for the Chief Medical Director, NWR Headquarter, Jaipur to consider and examine the appeal of the applicant and pass appropriate orders. In case, he found that the medical examination conducted by the authorities requires reconsideration, it is for him to direct the medical re-examination of the applicant for the purpose of satisfying as to whether the applicant is medically fit and as to whether he is fit for category as C-1.

6. The Original Application is, therefore, disposed of directing the Chief Medical Director, North Western Railway Headquarter, Jaipur (respondent no. 6) to consider Annexure A/2 appeal of the applicant dated 08.03.2013 and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. The applicant shall furnish a copy of this order along with complete copy of paper book/OA before the respondent no. 6

within a period of ten days from today. The applicant is given liberty to approach this Tribunal in case the applicant is aggrieved by the decision of the appellate authority. In view of the order passed in the O.A., the Misc. Application for condonation of delay is allowed.



(R. RAMANUJAM)
ADMINISTRATIVE MEMBER



(JUSTICE HARUNUL-RASHID)
JUDICIAL MEMBER

Kumawat