

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

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**ORDER SHEET**

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**ORDERS OF THE TRIBUNAL**

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30.03.2015

OA No. 291/00183/2015

Mr. B.L. Meena, Counsel for applicant.

The relief sought for by the applicant in this OA seeking direction to respondent to appoint the applicant for the post of Group 'D' as per notification No. 01-2012 dated 24.08.2014. Another prayer is to constitute medical board as per the Railway Board letter No. 2010/H/5/9 dated 07.03.2012 for re-medical examination of the applicant and if he found fit, he may be offered appointment for the post of Group 'D' as per notification referred to above and if he is not found suitable, he may be medically examined for suitable alternative posts of equivalent grade as per Railway Board orders mentioned in the OA.

The applicant has applied for the post of Group 'D' as per notification No. 01-2012. The applicant was qualified in the written test and he was subjected to medical examination and verification of documents on 26.03.2014 and 31.03.2014 to 24.04.2014.

The applicant belongs to ST community. As per the notification, there were 271 posts for Group 'D' such as Gangmans, Trackmans, Helpers, Gatemans, Khallasi, Sweepers etc. reserved for ST candidates. The vacancies were notified as per the Railway Board notification to fill up these posts.

It is pointed out that the applicant has also qualified the physical efficiency test. The medical examination was conducted and the applicant was found fit in Medical classification A1, B1, B2 and C1 and declared not fit only medical classification C2 vide the medical authority letter dated 02.07.2014. The applicant is aggrieved by the inaction of the respondents in not constituting a medical board as per the Railway Board letter and offering an alternative appointment. The learned counsel for the applicant contended that ST/SC direct recruits selected for a particular category, if declared medically unfit for the category, shall be considered for such other categories for which they are medically fit and there is shortfall in the reserved quota to be made good under the personal powers vested with the General Manager.

In the circumstances, the applicant issued a Registered Legal Notice dated 05.12.2014 (Annexure A/6) to the respondents seeking relief, sought for in the OA.

The learned counsel for the applicant also produced an order dated 22.12.2014 in OA No. 291/00705/2014 passed by the Central Administrative Tribunal, Jaipur Bench, Jaipur (Annexure A/4) in a similar case. In that case, the applicant prayed for alternative appointment according to the Railway Board circular. The Single Bench had directed respondent no. 2 to consider and decide the legal notice of the applicant annexed at Annexure A/6 expeditiously and not later than three months. In view of the limited prayer granted, we are of the view that OA can be disposed of in limine without issuing notice to the respondents.

In the facts and circumstances and in the light of legal notice (Annexure A/6), we direct respondent no. 2 to consider and decide the legal notice at Annexure A/6 expeditiously but not later than three months from the date of receipt of a copy of this order.

The applicant is also directed to provide a copy of the paper book of the OA along with a copy of this order to respondent no. 2. It is made clear that if the applicant is aggrieved by the decision of his legal notice, he is at liberty to file substantive OA.

With these observations, the OA is disposed of at admission stage itself.

*Anil Kumar*  
(Anil Kumar)  
Member (A)

*(Justice Harun-UI-Rashid)*  
(Justice Harun-UI-Rashid)  
Member (J)

*Abdul*