

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.283/96

Date of order: 27/9/2000

K.K.Saxena, S/o Shri T.N.Saxena, R/o Qtr.No.T-120, Loco Colony, Jaipur, posted as Chief Inspector of Works (S-1), W.Rly, Jaipur.

...Applicant.

Vs.

1. Union of India through the General Manager, W.Rly, Churchgate, Mumbai.
2. Divisional Rly. Manager, W.Rly, Jaipur.
3. Sr.Divisional Medical Officer, W.Rly. Jaipur.

...Respondents.

Mr.N.K.Gautam - Counsel for applicant.

Mr.Manish Bhandari - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 19085, the applicant makes a prayer to quash and set aside the order dated 7.5.96(Annex.A1) and to direct the respondents to give promotion to the applicant on the post of Assistant Engineer in case he is found fit medically after minor surgery as suggested by the Eye Specialist vide Annex.A4.

2. In the reply, it has been stated by the respondents that the applicant is unfit for A category, however if the applicant goes for a corneal transplantation surgery then only his case can be reviewed.
3. In the rejoinder filed by the applicant it has been made clear that the Medical Board has now opined that the applicant is fully fit for promotion on Class-I post of Assistant Engineer.
4. Heard the learned counsel for the parties and also perused the whole record.
5. Vide order dated 9.5.96 an ad interim direction was issued by this

(13)

Tribunal to allow the applicant provisionally to appear in the interview to be held on 10.5.96 at Bombay but the result of the applicant for the selection of Assistant Engineer shall not be declared. This direction was given to operate till the next date of hearing i.e. on 23.5.96. It is admitted by the learned counsel for the parties that the applicant did not appear before the Interview Board on 10.5.96 for the selection of Assistant Engineer.

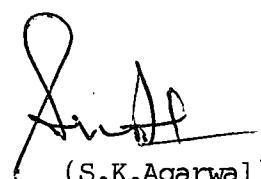
6. On a perusal of report dated 4.2.97 which was given by a duly constituted Medical Board of Western Railway in Jagjeevan Ram Hospital to decide the fitness of duty of Shri K.K.Saxena, it appears that Shri K.K.Saxena was found medically fit for gazetted post in A Category as mentioned in para No.531 of the Indian Railway Medical Manual Edition 1981. We are, therefore, of the opinion that the applicant is entitled to be considered for the post of Assistant Engineer after he is found medically fit for the post by a duly constituted Medical Board.

7. As the applicant has been declared medically fit for gazetted post in A-Category as mentioned in para 531 of the Indian Railway Medical Manual, we dispose of the O.A with the direction to the respondents to consider the candidature of the applicant for promotion on the post of Assistant Engineer, as claimed by the applicant, against any future vacancy.

8. No order as to costs.

  
(N.P.Nawani)

Member (A).

  
(S.K.Agarwal)

Member (J).