

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

O.A.No. 300/2000

Date: 14.11.2002

Hon'ble Mr. G.C. Srivastava, Member (A)

Hon'ble Mr. M.L. Chauhan, Member (J)

Ashok Kumar S/o Sukhran, B/o 481/31, Uttam Chand Sunar  
ka Bara, Nagra, Ajmer (Rajasthan).

Applicant

(By Advocate: Mr. P.V. Calla)

VERSUS

1. Union of India, through General Manager,  
Western Railway, Churchgate, Mumbai.
2. The Divisional Railway Manager, Western  
Railway, Ajmer.
3. The Railway Recruitment Board, through its  
Chairman, 2010, Nehru Marg, Ajmer (Rajasthan).

Respondents

(By Advocate: Mr. R.G. Gupta)

O R D E R (Oral)

Hon'ble Mr. G.C. Srivastava, Member (A)

In this OA the applicant, who had applied for the post of Diesel Assistant under the respondents, was selected after written test/interview and had been given offer of appointment and thereafter sent for medical examination. During the course of medical examination he received a message about the death of his grand mother and accordingly he left. The memo issued by the Railways for medical examination was torn during the course of the funeral of the grand mother. Accordingly he again applied to the Railways for issue of duplicate memo, the Railways issued duplicate memo and he appeared before the Railway Doctor for screening. The Railway Doctor certified the applicant as fit for A-1 category. The applicant's

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grievance is that even after that he has not been allowed to join duty and the respondents have been asking him ~~to~~ to go for special medical examination at his own cost.

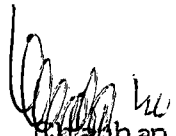
2. The respondents have contested the OA and filed a detailed reply. Mr. R.G.Gupta, the learned counsel for the respondents, during the course of argument, has submitted that the respondents had doubt about the fitness of the applicant so far as his eye sight is concerned. Mr. Gupta has also drawn our attention to the application submitted by the applicant (Annexure R-1) on the reverse of which he had mentioned that certain tests as a part of the medical examination were conducted when he received the message of death of his grand mother and accordingly he had to leave mid way. He has stated that the Sr.C.G.M./C.V.O also had doubt about his fitness so far as his eye sight is concerned, however, no evidence has been produced on record to show the basis on which this doubt has arisen and therefore, it is not possible for us to accept the contention of the respondents.

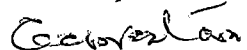
3. We have heard the learned counsel for both the parties and find that as per the medical certificate given by the authorised Railway Doctor in respect of the applicant (Annexure A-6) he has been found to be fit ~~for~~ in A-1 category and thus we do not find any justification for the respondents to repeatedly ask the applicant to appear for special medical examination. Under the circumstances the applicant is fully eligible to be appointed to the post of Diesel Assistant on the basis of the medical fitness certified by the Railway Doctor.

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Accordingly we direct the respondents that the applicant be allowed to join duty immediately. It is however, open to the respondents to take such action as deemed necessary in order to clear the doubt, if any. As regards the seniority of the applicant, the same is left open. The applicant is however given liberty to file representation regarding his seniority which shall be decided by the respondents as early as possible.

4. With the above direction, the OA stands disposed of.  
No order as to costs.

  
(M.L. Chaudhan)  
Member (J)

  
(G.C. Srivastava)  
Member (A)

etc.