

PRCM No. 4.  
( See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GWALIATI BENCH:

ORDER SHEET

1. original Application No. 49/06  
2. Misc Petition No. /  
3. Contempt Petition No. /  
4. Review Application No. /

Applicant(s) Smti K. Gangamma

Respondents U.O.I. Tony

Advocate for the Applicant(s) Mr. Chanda, S. Nath, G.N. Chakrabarty

Advocate for the Respondant(s) Railway. Comd. ....

Notes of the Registry	Date	Order of the Tribunal
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24.2.2006 | present: The Hon'ble Shri K.V. Sachidanandan, Vice-Chairman.

1. Application in form  
is filed on 3.10/  
dptn.  
No. 266319139  
Dated 7.2.06

11e Dy. Registrar

Heard Mr. M. Chanda, learned counsel

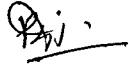
for the applicant. Dr. J. L. Sarkar, learned Standing counsel appeared for the Railways.

Order is passed, kept in separate sheets. The O.A. is disposed of at the admission stage itself in terms of the order. No costs.

Steps taken without  
envelops.

  
Vice-Chairman

bb



1.3.06

Copy of the Jndst  
has been sent to the  
Office for issuing the  
Date to the applicant  
as well as to the Rly.  
Standby Counsel.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

.....  
O.A. No. 49 of 2006

DATE OF DECISION 24.02.2006

Smti K. Gongamma

..... Applicant/s

Mr. M. Chanda

..... Advocate for the  
applicant/s.

- Versus -

U.O.I. & Ors.

..... Respondent/s

Dr J.L. Sarkar, Standing Counsel for Railways

..... Advocate for the  
respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN

1. Whether reporters of local newspapers  
may be allowed to see the Judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether to be forwarded for including in the Digest  
Being complied at Jodhpur Bench ? Yes/No
4. Whether their Lordships wish to see the fair copy  
of the Judgment ? Yes/No

Vice-Chairman/Member (A)/(J)

3

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.**

Original Application No. 49 of 2006.

Date of Order: This, the 24th Day of February 2006.

**THE HON'BLE MR. K.V.SACHIDANANDAN, VICE CHAIRMAN.**

Smti Kone Gongamma  
C/o Shri Kamarajn  
Rly. Qtr.No.R/121-B  
N.F.Railway, New Bongaigaon  
P.O: New Bongaigaon  
Assam.

..... Applicant

By Advocates S/Shri M. Chanda, S.Nath, S. Choudhury &  
G.N.Chakraborty.

- Versus -

1. The Union of India  
Represented by Secretary  
to the Government of India  
Ministry of Railway  
New Delhi - 110 001.
2. The Chief General Manager  
North East Frontier Railway  
Maligaon, Guwahati - 11.
3. The Chief Medical Officer  
N.F.Railway, Maligoan  
Guwahati-11, Assam.
4. The Chief Divisional Medical Officer  
N.F.Railway, Maligaon  
Guwahati-11, Assam.
5. The Sr. Divisional Medical Officer (Ophthalmology)  
Railway Central Hospital, N.F.Railway  
Maligaon, Guwahati-11.
6. The Medical Superintendent  
N.F.Railway, New Bongaigaon  
New Bongaigaon, Assam.

..... Respondents.

By Dr.J.L.Sarkar, Standing Counsel for Railways.

ORDER (ORAL)

SACHIDANANDAN, K.V., (V.C.):

The applicant is working as Female S. Cleaner in the medical department, N.F.Railway at Bongaigaon and have been suffering from loss of vision in both the eyes. The treatment is of no avail and finally her left eye was operated in December 2001 in the Maligaon Railway Hospital which was unsuccessful and she has lost vision in her left eye in toto. Her right eye was also operated in June 2003 in the same hospital but there was hardly any improvement and it became difficult for her to see anything and her eyes have become almost invalid for all practical purposes. She was referred to Regional Institute of Ophthalmology (RIO), Guwahati Medical College, Guwahati for further treatment. A certificate dated 12.4.2004 was issued stating that her vision cannot be improved. The matter was thereafter referred to Shankar Netralaya, Chennai which also reported that there is total loss of vision in the left eye, though some improvement could be observed in the right eye. Since then she has been extremely suffering from eye troubles and loss of vision and she cannot see even the closest object properly not to speak of doing any works. She has represented before the Chief Medical Officer to issue a medical certificate declaring her unfit and invalid for railway services but the same has not been considered as yet. Aggrieved by the inaction of the respondents she has filed this O.A seeking for the following reliefs:-

"8.1 That the Hon'ble Tribunal be pleased to direct the respondents to issue medical certificate declaring the applicant as medically unfit for Railway services of any kind in the light of the medical certificate dated 12.04.2004 (Annexure-IV) of the Regional Institute of Ophthalmology, Guwahati and the certificate dated 18.08.2005 (Annexure-XIV) of Sri Sankardeva Nethralaya, Guwahati and to grant her the invalid pension as provided under the Rules.

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to constitute a Medical Board to examine the case of the applicant for grant of invalid pension in view of the Medical certificates dated 17.08.2005 (Annexure-XIV) issued by the Sri Shankardeva Nethralaya, Guwahati.

8.3 Costs of the application.

8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper."

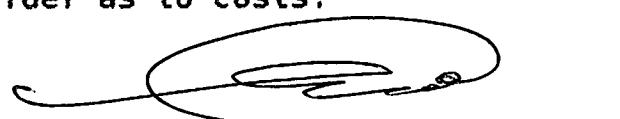
2. When the matter came up for admission Mr. M. Chanda, learned counsel represented the applicant and Dr. J. L. Sarkar, learned Standing counsel appeared for the Railways. Mr. Chanda has taken my attention to the certificate dated 19.5.2005 issued by the Medical Superintendent, N.F.Railway, New Bongaigaon wherein she was advised to resume her duty as the Medical Board recommended her fit for duty in her present category of service which has been accepted by the C.M.D., Maligaon. But the claim of the applicant is that said letter is of 19.5.2005. The lapse of time may totally deteriorate her eyesight and her present position is that she is not able to see anything not to speak of joining her duty. Therefore, in the O.A.

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one of the directions that has been prayed is that to direct the respondents to constitute a Medical Board to examine the her case afresh for grant of invalid pension by calling for a fresh certificate, considering her subsequent development. Counsel for the applicant submits that he will be satisfied if a direction is issued to the respondents to that effect. Counsel for the respondents submits that he has no objection in adopting such course of action.

3. In the interest of justice this Tribunal feels that such a direction will suffice the redressal of the cause of the applicant. Therefore, this Tribunal directs the respondent no.3 or any other competent authority as directed by him to constitute a fresh medical board and evaluate the applicant's visionary power and issue certificate accordingly to the concerned authority within a time frame of three months from today. It is made clear that if such a Medical Board had already been constituted, the outcome shall be furnished to the applicant forthwith.

The O.A. is disposed of as above. In the circumstances, there is no order as to costs.



(K.V. SACHIDANANDAN)  
VICE CHAIRMAN

6

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

Original Application No. 49/06

1. a) Name of the Applicant:- Smti K. Gongamma  
b) Respondents:-Union of India & Ors.  
c) No. of Applicant(S):-
2. Is the application in the proper form:- Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title :- Yes / No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed :Yes/No.
7. Whether all the annexure ~~parties~~ are impleaded :- Yes/No.
8. Whether English translation of documents in the Language:- Yes/No.
9. Has the application is in time :- Yes/ No.
10. Has the Vokatlatnama/Memo of appearance /Authorisation is filed:Yes/No.
11. Is the application by IPO/BD/for Rs.50/- 266319139
12. Has the application is maintainable : Yes / No.
13. Has the Impugned order original duly attested been filed:- Yes/ No.
14. Has the legible copies of the annexures duly attested filed:Yes/No.
15. Has the Index of the documents been filed all available :-Yes/No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/ No.
17. Has the declaration as required by item 17 of the form:Yes / No.
18. Whether the relief sought for arises out of the Single: Yes/ No.
19. Whether interim relief is prayed for :- Yes/ No.
20. Is case of Condonation of delay is filed is it Supported :-Yes/No.
21. Whether this Case can be heard by Single Bench/Division Bench:
22. Any other pointd :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:  
The application is in order

SECTION OFFICER(J)

N/T/mb  
23-2-06  
S/C DEPUTY REGISTRAR

Rai

BY POST / BY HAND.

Applicant

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::::::: GUWAHATI.

DESPATCH NO. CAT/GHY/JUDL/ 270 to 271 / DTD. GUWAHATI THE 1-3-06

ORIGINAL APPLICATION NO. 49 / 200 6  
MISC. PETITION NO. \_\_\_\_\_ / 200  
CONTEMPT PETITION NO. \_\_\_\_\_ / 200  
REVIEW APPLICATION NO. \_\_\_\_\_ / 200

Santi Kone Gongamms

APPLICANT(S)

VERSUS

Ex. O.T. & ops.

RESPONDENT(S)

To

Santi Kone Gongamms,  
c/o Shri Kamrajan,  
Atly. Qtr. No. R/121-B  
N.F. Railway, New Bongaigaon,  
P.O. New Bongaigaon, Assam.

Please find herewith a copy of Judgment/Order dated  
24.2.06 passed by the Bench of this Hon'ble Tribunal  
Comprising of Hon'ble Justice Shri K. V. Sачидананд  
Vice-Chairman and Hon'ble Shri \_\_\_\_\_

Member \_\_\_\_\_ in the above noted case for information and necessary  
action, if any.

Please acknowledge receipt of the same.

By Order

Enclo : As above.

(Copy of the Original  
Application in O.A. No. \_\_\_\_\_)

SECTION OFFICER (JUDL).

Memo. No. \_\_\_\_\_ Dtd. \_\_\_\_\_  
Copy for information to :

K 28/2/06

1. Mr. / Mrs. \_\_\_\_\_ / Sr. CGSC, Addl. CGSC.

2. Mr. / Mrs. J. L. Sarkar / Rly. Standing Counsel  
Govt. Advocate

28/2/06  
3/3/06

# CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

G. A. R. 6

[See Rule 22 (1)]

RECEIPT

No. 1789

Date. 23/2/2006.

Received from Mr. K. Gangamanta with

Letter No. OA 49/06 dated 20.....

the sum of Rupees. Rs. 5/-

In cash/by IPO on account of service charge for ~~excess~~ the stamp  
by bank draft ..... in payment of .....

Signature

Atulya  
Cashier

Rs. 5/-

10

Central Administrative Tribunal  
GUWAHATI BENCH: GUWAHATI

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 49 /2006

Smti Kone Gongamma

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

<u>Dates</u>	<u>Synopsis of case</u>
27.02.1980-	Applicant initially appointed as Female, S. Cleaner under the Respondents.
18.12.2001-	Applicant admitted into the Railway Central Hospital, Maligaon for operation of cataract in her left eye. Thereafter, her left eye has been operated upon and immediately thereafter her vision in the left eye was totally lost.
24.12.2001-	Discharged from Hospital with the advice that her eyesight might be improved after the operation of the other eye. (Annexure-I)
24.06.2003-	Applicant again admitted into the Railway Central Hospital, Maligaon, and her right eye was operated upon.
30.06.2003-	Discharged from Hospital but no improvement of her vision in any of the eyes. (Annexure-II)
23.02.2004-	Central Hospital, Maligaon referred the applicant for further treatment to the Regional Institute of Ophthalmology, Gauhati Medical College. (Annexure-III)
12.02.2004-	Director and HOD, Regional Institute of Ophthalmology, GMCH issued medical certificate stating that the vision of the applicant cannot be improved. (Annexure-IV)
17.05.2004-	Applicant submitted representation to the Respondents for declaring her as medically unfit for service and to grant her retirement on invalid pension. A medical Board was thereafter constituted. (Annexure-V)

29.11.2004- Applicant was admitted to the Central Hospital, Maligaon for her examination by medical board.

14.12.2004- Applicant discharged from Hospital, after being referred to Shankara Netrayalya, Chennai for further investigation and opinion. (Annexure-VI & VII)

05.02.2005- Report of Shankara Netralaya was sent by post to the applicant. Applicant submitted the said report to the Central Hospital, Maligaon, Guwahati. (Annexure-VIII)

12.03.2005- Respondent No. 5 directed the applicant to attend the Central Hospital, Maligaon on 15.03.05 (Annexure-IX)

15.03.2005- Applicant reported at Central Hospital, Maligaon as directed when she was again admitted to the Hospital and examined by the Medical Board on 17.03.05.

18.03.2005- Applicant discharged from Hospital. (Annexure-X)  
Thereafter, Medical Board submitted a biased report to the Respondent No. 2 without taking into consideration the report of the Regional Institute of Ophthalmology, GMCH and taking a partial view on the report of Shankara Netryalaya, Chennai, regarding her right eye only and concluding thereby that the applicant is fit for discharging duties in her existing category.  
Pursuant to the said report, the Respondents have now been pressurizing the applicant to join her duties. But she is unable to see with her operated eyes properly and not in a position to work consequent upon the post-operation damage to her eyes.

28.05.2005- Applicant submitted representation stating her conditions and prayed for her continuation in sick list till the case is decided by the Hon'ble CAT. (Annexure-XI)

23.07.2005- Respondent No. 5 issued letter advising the applicant to submit her appeal before Respondent No. 2. (Annexure-XII)  
The applicant accordingly submitted her appeal to the Respondent No. 2, but with no result. (Annexure-XIII)

17.08.2005- Applicant got her examined at Sri Sankardeva Nethralaya, Guwahati and Sri Sankardeva Nethralaya issued certificate stating that she is unfit for normal activities outside residence. (Annexure- XV)

24.09.2005- Applicant submitted representation alongwith a copy of medical certificate dated 17.08.05 and praying for issuance of invalid certificate in her favour. As such, it is clearly evident that the

3  
12

applicant is unfit for all categories of railway services and she is eligible for invalid pension as per rules but being denied by the respondents.

Hence, this Original Application before this Hon'ble Tribunal.

#### PRAYERS

##### Relief (s) sought for:

1. That the Hon'ble Tribunal be pleased to direct the respondents to issue medical certificate declaring the applicant as medically unfit for Railway services of any kind in the light of the medical certificate dated 12.04.2004 (Annexure-IV) of the Regional Institute of Ophthalmology, Guwahati and the certificate dated 17.08.2005 (Annexure- XIV) of Shri Sankardeva Netralaya, Guwahati and to grant her the invalid pension as provided under the Rules.
2. That the Hon'ble Tribunal be pleased to direct the respondents to constitute a Medical Board to examine the case of the applicant for grant of invalid pension in view of the Medical certificates dated 17.08.2005 (Annexure- XIV) issued by the Shankardeva Netralaya, Guwahati.
3. Costs of the application.
3. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

##### Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to restrain the respondents from pressurizing the applicant for joining her duties till disposal of this application.
2. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O.A.No. 49 /2006

Smti. Kone Gongamma. : Applicant.

-Versus-

Union of India & Ors. : Respondents.

INDEX

Sl. No.	Annexure	Particulars	Page No.
1.	---	Application	1-15
2.	---	Verification	-16-
3.	I	Copy of discharge certificate dated 23.12.01	17 - 18.
4.	II	Copy of discharge certificate dated 12.01.00.	19 - 20.
5.	III	Copy of letter dated 23.02.04.	21 - 22
6.	IV	Copy of medical certificate dated 12.04.04.	- 23 -
7.	V	Copy of representation dated 17.05.04.	- 24 -
8.	VI	Copy of discharge certificate dated 14.12.04.	- 25 -
9.	VII	Copy of reference letter alongwith case note dated 13.12.04.	26 - 27
10.	VIII	Copy of report dated 05.02.05.	28 - 31
11.	IX	Copy of letter dated 12.03.05.	- 32 -
12.	X	Copy of discharge certificate dated 18.03.05.	33 - 34
13.	XI	Copy of representation dated 28.05.05.	35 - 36
14.	XII	Copy of letter dated 23.07.05.	- 37 -
15.	XIII	Copy of appeal dated 01.08.05.	38 - 39
16.	XIV	Copy of relevant pages of Brochure.	- 40 -
17.	XV	Copy of medical certificate dated 17.08.05.	- 41 -
18.	XVI	Copy of representation dated 24.09.05.	42 - 43
19.	XVII (Series)	Copy of extract of Rule 55 and 62 of Railway Service (Pension) Rules 1993.	44 - 45

Date: - 28.02.06

Filed By:

*Smti.*  
Advocate



14

filed by the applicant  
through Subrata Nask,  
Advocate

23.02.2006

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH: GUWAHATI**

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 49 /2006

**BETWEEN:**

**Smti Kone Congamuna,**  
C/o- Shri Kamarajn,  
Rly. Qtr. No. R/121-B,  
N.F. Railway, New Bongaigaon.  
P.O- New Bongaigaon.  
Assam.

.....Applicant.

**-AND-**

1. The Union of India,  
Represented by Secretary to the  
Government of India,  
Ministry of Railway,  
New Delhi- 110001.
2. The Chief General Manager,  
North Eastern Frontier Railway,  
Maligaon, Guwahati- 11.
3. The Chief Medical Director,  
N.F. Railway, Maligaon,  
Guwahati- 11, Assam.
4. The Chief Divisional Medical Officer,  
N.F. Railway, Maligaon,  
Guwahati- 11, Assam.
5. The Sr. Divisional Medical Officer (Ophthalmology),  
Railway Central Hospital, N.F. Railway,  
Maligaon, Guwahati- 11.
6. The Medical Superintendent,  
N.F. Railway, New Bongaigaon.  
New Bongaigaon, Assam.

.....Respondents.



### DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made not against any particular order but against non-issuance of certificate by the Respondents declaring the applicant as medically unfit for Railway Services and consider for grant of invalid pension in view of her post-operation loss of eye-sight and also against the respondents insistence on the applicant for joining her works inspite of her lack of vision.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

4. Facts of the case:

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That the applicant was initially appointed as Female S. Cleaner on 27.02.1980 in the Medical department, N.E. Railway, New Bongaigaon and has been serving in the same post and place till now. She is a low-paid employee and is now in the verge of retirement, having been left with only 3 years of service from now.
- 4.3 That the applicant developed cataract on her both eyes for which she had been undergoing treatment for long time. Subsequently as the operation of the affected eyes became inevitable, she was advised to get admitted

into the Railway Central Hospital at Maligaon, Guwahati for operation and treatment. Accordingly, on 18.12.2001 the applicant got admitted into Railway Central Hospital, Maligaon, Guwahati and her left eye was operated upon. Immediately after the operation, the applicant lost her eye-sight in the left eye and eventually she was discharged from the Hospital on 24.12.2001 with the advice that her operated eye became invalid due to her diabetics and that it might improve after the operation of the other eye in future.

Copy of the discharge certificate dated 23.12.01 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure - I.

4.4 That thereafter, the applicant was again admitted into the Central Hospital, Maligaon on 24.06.2003 as advised by the Doctor, for operation of her right eye. She was then operated upon and kept in the Hospital for treatment and ultimately discharged on 30.06.2003. But there was hardly any improvement in her visibility and the Doctor advised for implanting of appropriate lens which was accordingly provided. But even thereafter the eyesight did not show any sign of improvement and she was under continuous treatment under Central Hospital, Maligaon. She lost her eyesight in both the eyes to such an extent that it became difficult for her to manage the work.

Copy of discharge certificate dated 30.06.03 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- II.

4.5 That finding no improvement in the condition of the applicant, the authorities of Central Hospital, Maligaon referred the case to the Regional Institute of Ophthalmology, Gauhati Medical College vide their letter dated 23.02.04 forwarding therewith a detailed case note dated 14.02.04 in respect of the operated eyes of the applicant, for further treatment.

(Copy of letter dated 23.02.04 alongwith case note is annexed hereto for perusal of Hon'ble Tribunal as Annexure - III).



4.6 That thereafter the applicant was examined by the doctors of Regional Institute of Ophthalmology and she had obtained treatment from the said institute. Even thereafter there could be no sign of improvement whatsoever to the condition of the applicant and finally the Regional Institute of Ophthalmology concluded that her vision couldn't be improved. Accordingly medical certificate was issued by the Director and HOD, RIO on 12.04.04 stating that her vision cannot be improved.

(Copy of the medical certificate dated 12.04.04 is annexed hereto for perusal of Hon'ble Tribunal as Annexure - IV).

4.7 That consequent upon the above stated findings of the Regional Institute of Ophthalmology, Gauhati Medical College Hospital, and findings it extremely difficult to pursue her normal duties/works with her existing level of vision in both the eyes, the applicant submitted representation on 17.05.04 to the Respondent No. 5 praying for issuance of necessary medical certificate declaring the applicant medically unfit for Rly. Services, for invalid pension.

(Copy of representation dated 17.05.04 is annexed hereto for perusal of Hon'ble Tribunal as Annexure - V).

4.8 That the Respondent No. 5 after receipt of the representation dated 17.05.04 aforesaid, advised the applicant to submit her application before the Respondent No. 2 for declaring her unfit for services. As advised, the applicant thereafter submitted representation through the Respondent No. 5 to the Respondent No. 2 describing condition of her eyes and furnishing the medical certificate dated 12.04.04 of the Regional Institute of Ophthalmology, Gauhati Medical College Hospital and prayed for issuance of certificate declaring the applicant medically unfit for railway service for consideration of her case for invalid pension.

4.9 That in response to the representation aforesaid of the applicant, the Chief Medical Director, Maligaon (Respondent No. 2) constituted a medical



Board and directed the applicant to get admitted into the Central Hospital Maligaon for her examination by the Medical Board. Accordingly she was admitted on 29.11.04 and was in the Central Hospital, Maligaon till 14.12.04. Thereafter she was discharged from the Hospital on 14.12.04 after referring her case to Sankara Netralaya, Chennai. The Medical Director, Central Hospital Maligaon referred the applicant to Shankara Netralaya, Chennai vide his letter No. H/184/I (A) dated 13.12.04 for further investigation and opinion, forwarding therewith the detailed case note of the applicant.

(Copy of discharge certificate dated 14.12.04 and reference letter dated 13.12.04 alongwith case note are annexed hereto for perusal of Hon'ble Tribunal as Annexures -VI and VII respectively).

4.10 That pursuant to the abovementioned letter, the applicant reported to Shankara Netralaya, Chennai and underwent treatment there in the OPD in January' 05. After giving treatment for about 15 days, the authorities of Shankara Netralaya, Chennai directed the applicant to return back to her place and informed that necessary report would be mailed afterwards. Accordingly a case summary report dated 05.02.05 was subsequently sent from Shankara Netralaya to the applicant by post.

(Copy of the report dated 05.02.05 of Chennai is annexed hereto for perusal of Hon'ble Tribunal as Annexure-VIII).

4.11 That thereafter the said report of Shankara Netralaya was submitted to the Central Hospital, Maligaon. Thereafter, the Respondent No. 5 vide his letter No. H/174/IMV/NBQ/51 dated 12.03.05 directed the applicant to attend Central Hospital, Maligaon on 15.03.05. Accordingly she reported and she had been admitted once again into the Central Hospital, Maligaon on 15.03.05 and then she was examined by the Medical Board on 17.03.05. Thereafter she was discharged from the Hospital on 18.03.05.

(Copy of letter dated 12.03.05 and discharge certificate dated 18.03.05 are annexed hereeto for perusal of Hon'ble Tribunal as Annexures - IX and X respectively).

4.12 That thereafter the Medical Board submitted it's report to the Respondent No. 2 which was eventually conveyed to the Respondent No. 5. It is understood that in the said report, the findings of the Regional Institute of Ophthalmology, Gauhati Medical College has not been mentioned at all, but in the report, only the condition of her right eye as mentioned in the report of Shankara Netralaya, Chennai has been mentioned by the Medical Board with its observation that the applicant is fit for discharging duties in her existing category, which is far from reality.

4.13 That pursuant to the above stated report, the respondents have now been pressurizing the applicant to join her duties. But the applicant in reality, is now suffering from extremely poor vision in both the eyes and has been managing with great difficulties with her visibility almost near to blindness and as such she is unable to perform any works.

4.14 That thereafter, the applicant submitted one representation dated 23.05.05 to the Respondent No. 5 narrating her condition wherein she had stated that she was unable to perform her duties in her existing condition and further prayed for allowing her to be in sick list till her case before the Hon'ble CAT is decided. In response to the said representation, the Respondent No. 5 vide his letter No. H/174(Inv)/NBQ/Court /51 dated 23.07.05 advised the applicant to submit her appeal to the Chief Medical Director (Respondent No. 2), Maligaon.

The applicant thereafter submitted his appeal, as directed, to the Respondent No. 2, but with no result.

7  
9

(Copy of representation dated 28.05.05, letter dated 23.07.05 and appeal dated 01.08.05 are annexed hereto for perusal of Hon'ble Tribunal as Annexures-XI, XII & XIII respectively).

4.15 That the applicant most respectfully begs to state that the respondent authorities are aware of, that both the eyes of the applicant have been damaged after operation and the doctors of Regional Institute of Ophthalmology have clearly reported that her vision cannot be improved. Even thereafter, the respondents acting on the earlier report of the Medical Board, has been insisting on the joining of the applicant ignoring her factual condition, and have not been issuing any certificate declaring her as medically unfit for service although she applied for such declaratory orders. It is relevant to mention here that she has not been able to attend her duties since 25.06.03 due to her lost vision and there has been no improvement in her condition even after prolonged treatment by the Respondents and other specialists.

4.16 That the applicant most respectfully begs to submit that in their case note dated 14.02.04 (Annexure- III) forwarded to the Regional Institute of Ophthalmology, GMCA, the respondents have mentioned that the vision of the applicant is:

Right Eye =1/60, Left Eye =No perception of light.

As per the medical standard for visual impairment, the vision rating of 1/60 falls under Category- III i.e. 100% impairment as stated in "Brochure on Reservations and Concessions for physically handicapped in Central Government Services". The relevant page of the Brochure is annexed hereto.

Further, the report dated 05.02.05 of Shankra Netralaya, Chennai (Annexure-VIII) is also inconclusive which stated that there is no perception of light in the left eye although some improvement of vision was observed in her right eye and stated that she needs re-examination after one month but she was not sent thereafter.

However, the applicant eventually, got her examined at Sankardeva Nethralaya, Guwahati and Sri Sankardeva Nethralaya after thoroughly examining the applicant issued Medical Certificate dated 17.08.2005 wherein it has been stated that-

"Normal activities outside residence will be difficult for her due to her visual status."

From the above facts it is abundantly clear that the applicant is unfit for her duties but even thereafter, the respondents are not issuing certificate declaring the applicant as medically unfit for Railway Services and rather insisting on her for joining duties.

In view of the latest medical examination report and medical certificate issued by the Sankardeva Nethralaya on 17.08.05 another medical Board is liable to be constituted for consideration of her case for declaring her to go for invalid pension with immediate effect since the applicant now satisfied the required criteria as per the Medical Standard for visual impairment.

(Relevant page of Brochure regarding medical standard of visual impairment and certificate dated 17.08.05 of Sankardeva Nethralaya, Guwahati are annexed hereto as Annexures- XIV & XV respectively)

4.17 That thereafter, the applicant submitted one representation on 24.09.2005 to the Respondent No. 2, enclosing therewith a copy of the medical certificate dated 17.08.05 and reiterated her prayer for issuance of a medical certificate declaring her unfit and invalid for Railway Services. But even thereafter, the prayer of the applicant has not been considered as yet.

Copy of representation dated 24.09.2005 is enclosed herewith and marked as Annexure- XVI).

4.18 That subsequently, in the month of November-December, 2005 the applicant was again examined by a team of Doctors in the Central Hospital, N.F Railway, Maligaon but the outcome of the same has not

been communicated to the applicant till date and the case of the applicant remains unsettled.

4.19 That due to non-issuance of certificate declaring the applicant unfit for service due to her lost vision of both the eyes, and insistence on the joining of the applicant to her duties by the Respondents on the contrary, has left the applicant in a helpless situation since she is completely unable to perform any works with her post-operated damaged eyes. As such finding no other alternatives, the applicant is approaching this Hon'ble Tribunal for protection of her rights and interests and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant and to direct the Respondents to declare the applicant as medically unfit for performing her duties in view of her damaged vision of both the eyes and to grant her retirement on invalid pension as stated in the preceeding para.

It is relevant to mention here that in terms of Rule 55 of the Railway Service (Pension) Rules, 1993, when a Railway servant applied for an invalid pension should submit medical certificate from a duly constituted Medical Authority, of his permanent incapacity for service due to bodily or mental infirmity in terms of Sub Rule (4) of Rule 55 of the said Rule. Rule 55 of the Railway Services (Pension) Rules, 1993 is quoted below:

"55. **Invalid Pension.** - (1) Invalid pension may be granted to a railway servant who retires from service on account of any bodily or mental infirmity which permanently incapacitates him for the service.

(2) A railway servant applying for an invalid pension shall submit a medical certificate, from a duly constituted medical authority, of his permanent incapacity for service due to bodily or mental infirmity.

(3) Where the medical authority referred to in sub-rule (2) has declared a railway servant fit for further service of less laborious



character than that which he had been doing he should, provided he is willing to be so employed, be employed on a lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension.

(4) A railway servant may, if he considers that he is not in a fit state of health to discharge his duties, apply to the appropriate authority for retirement on invalid gratuity or pension."

In terms of the provision laid down in Sub Rule (4) of Rule 55, a Railway servant may apply for consideration that she is not in a fit state of health to discharge her duties, she may apply to the appropriate authority for retirement on invalid pension. In the instant case, more particularly in view of medical certificate dated 17.08.05, issued by the Shankardeva Netryalya, Guwahati and also in view of her application/representation submitted earlier is now liable to be considered by constituting a duly constituted Medical Board for grant of invalid pension in the light of the medical certificate dated 17.08.2005 and therefore the Hon'ble Court be pleased to direct the respondents to consider the case of the applicant for grant of invalid pension benefit.

It is further submitted that in terms of the Rule 62 of the Railway Services (Pension) Rules, 1993 once a declaration is made by the competent medical authority regarding completely and permanently incapacitated for further service then the Railway authority is duty bound to retire the applicant from service on invalid pension without delay and receipt of a report from the medical authority or and if the applicant is on leave then on expiry of such leave then Railway Authority should arrange retirement of the applicant on invalidation pension. But in the instant case no such action was initiated by the Railway Authority either in terms of Rules 52 and 62 of the Railway Services (pension) Rules 1993 for arrangement to retire the applicant on invalid pension. The relevant portion of Rule 62 is quoted below: -

" 62. Date of invalidation. - A railway servant, who is declared by the medical authority referred to in Rule 55 to be completely and permanently incapacitated for further service shall, if he is on duty, be retired from service from the date of relief of his duties which shall be arranged without delay on receipt of a report from the medical authority or if, he is granted leave under Rule 522 of the Code on the expiry of such leave but if he is on leave at the time of receipt of the medical certificate, he shall be retired from service on the expiry of such leave or extension of leave if any granted to him under Rule 522 of the said Code."

In view of the specific declaration made through medical certificate dated 17.08.05 by an specialized institution i.e. Shankerdeva Netralaya, Guwahati that her normal activities outside her residence would be difficult for her due to visual status, therefore, it is obligatory on the part of the Railway Administration to allow the applicant to retire on invalid pension if necessary by constituting another Medical Board, in view of the latest medical report dated 10.06.05 as well as the medical certificate dated 17.08.05 issued by Shankerdeva Netralaya. Therefore, contention of the medical superintendent of N. F Railway, New Bongaigaon is in view of the report of the Medical Board held on 16.03.05 and as there is no scope for the Railway Authority to go for a further examination regarding her state of health which has definitely deteriorated in the meanwhile and more particularly in view of the medical certificate issued on 17.08.05. Even the GMC Hospital categorically stated in its certificate dated 12.04.04 that the vision of the applicant cannot be improved. Moreover, on 14.12.04 the GMC Hospital rather referred the case of applicant to Shankerdeva Netralaya and the Shankerdeva Netralaya has issued the Medical Certificate on 17.08.05, declaring that normal activities outside residence difficult for her due to her normal status. Therefore, Railway Administration should constitute a medical board and consider the case of



the petitioner for grant of invalid pension in the light of medical certificate dated 17.08.05.

(Copy of the extract of Rule 55 and 62 of Railway Services (pension) Rules, 1993 page 47 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- XVII (Series).

4.20 That the applicant most respectfully begs to submit that the employees with even lesser degree of disabilities have been declared as medically unfit for service by the Respondents and the instances are available with the applicant. But the applicant is being denied such medical certificates even inspite of her eyes have been damaged after the operations conducted by the respondents themselves. and as such is discriminatory.

4.21 That the applicant is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that in view of the latest medical report and certificate dated 17.08.05 issued by the Shankardeva Netralaya, Guwahati, whereby it is declared that normal activities outside residence will be difficult for the applicant due to her visual status and therefore, the Hon'ble Court be pleased to direct the Railway Authority to grant invalid pension to the applicant in terms of Rule 55 and 62 of the Railway Services (Pension) Rules 1993 if necessary by constituting a fresh Medical Board in view of the medical certificate dated 17.08.2005.

5.2 For that the applicant's vision in her left eye is totally lost and that in the right eye is dimmed and she can see only the closest objects with her right eye in blurred condition with great difficulties and as such is unable to discharge her works and unfit for works.

5.3 For that the applicant have been damaged following operation conducted in the Railways Central Hospital at Maligaon under the respondent

department and as such she is entitled to get certificate from the respondents declaring the applicant medically unfit for official works and further grant of retirement on invalid pension in terms of Rule 55(4) of the Railway Services (Pension) Rules, 1993 to the applicant and also in view of the latest medical certificate dated 17.08.2005, issued by the Shankardeva Netralaya.

- 5.4 For that the applicant was under long treatment under the Respondents but even then her vision could not be restored for which the Respondents referred her case to the Regional Institute of Ophthalmology, Gauhati Medical College, Guwahati and after examining her, the RIO, GMCH also reported that her vision cannot be improved.
- 5.5 For that the vision rating of the applicant recorded by the Respondents themselves in their case note dated 14.02.04 (Annexure-III) clearly indicates that she is visually impaired when compared to the standard chart given in the "Broucher on Reservations and concessions for physically handicapped in central Government Services" (Annexure-XI) and as such she is not fit for duties.
- 5.6 For that, after her most recent medical examination, Shri Sankardeva Netralaya, Guwahati has issued certificate dated 17.08.05 declaring her as unfit for normal activities outside residence (Annexure-XIV).
- 5.7 For that, the applicant submitted representations to the Respondents for issuance of certificate declaring her as unfit for works in view of the present condition of the eyes of the applicant but it has been denied to her.
- 5.8 For that, such unfit certificates have been issued to some other employees who are even capable of working the same is being denied to the applicant who is genuinely handicapped to work and as such the applicant has been discriminated upon.

5.9 For that, the respondents have been pressurizing the applicant to join her duties, knowing fully well that her eyes have been damaged following operations conducted by them.

5.10 For that, the applicant is in the verge of retirement and is now left with only about 3 years of service remaining in her credit.

6. Details of remedies exhausted.

That the applicant declares that she has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that she had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to direct the respondents to issue medical certificate declaring the applicant as medically unfit for Railway services of any kind in the light of the medical certificate dated 12.04.2004 (Annexure-IV) of the Regional Institute of Ophthalmology, Guwahati and the certificate dated 17.08.2005 (Annexure- XIV) of Shri Sankardeva

Netralaya, Guwahati and to grant her the invalid pension as provided under the Rules.

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to constitute a Medical Board to examine the case of the applicant for grant of invalid pension in view of the Medical certificates dated 17.08.2005 (Annexure- XIV) issued by the Shankardeva Netralaya, Guwahati.

8.3 Costs of the application.

8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to restrain the respondents from pressurizing the applicant for joining her duties till disposal of this application.

9.2 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

10. ....

11. Particulars of the I.P.O

i) I.P.O No. : 269319139  
 ii) Date of issue : 7.2.06.  
 iii) Issued from : G Po. Guwahati  
 iv) Payable at : G Po. Guwahati

12. List of enclosures:  
 As given in the index.

VERIFICATION

I, Smti Kone Gongamma, aged about 56 years, C/o- Shri Kamarajn, Rly. Qtr. No. R/121-B. N. F. Railway, New Bongaigaon, P.O- New Bongaigaon, Assam, working as Female S. Cleaner, in the medical department, N. F. Railway, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 19<sup>th</sup> day of February 2006.



(Kone Gongamma)

पूँसी०एम/N.F.M - 54

फूँ सी० रेलवे/N.F.RAILWAY

आर०बी०च०/R.B.Med. सी० C-2

## अस्पताल से रुक्सात होने का प्रमाण-पत्र/HOSPITAL DISCHARGE CERTIFICATE

अस्पताल/ HOSPITAL

C.H (Malgao)

क्रम सं/Sl. No..... अन्तर्गं सं/Indoor No..... तारीख/Dated..... 23-12-01

अस्वस्था प्रमाण-पत्र सं/Sick certificate No..... तारीख/ Date.....

नाम/Name..... K. H. Chaugule..... पदनाम/Designation..... 2/56

विभाग/Department..... Mech..... स्टेशन/Station..... A.P.C..... जिला/मंडल/ District/Divin.....

धर्ती/Admitted..... 18.12.01..... विसर्जित/मृत/Discharged/ Died..... 24.12.01

(क) वह इयर के योग्य है/(a) He is fit for duty.

(ब) इन्हे डाक्टरी जांच के आधार पर नामिन के लिए तक की छुट्टी लेने के लिए सिफारिश कि जाती

(b) Recommended leave on medical grounds from..... to.....

(ग) इलाज के लिए उसे..... दवाखाना में उपस्थित होना चाहिये

(c) He should attend at ..... Dispensary for further treatment

(द) काम पर वापस जाने के पहले..... के दवाखाना में रिपोर्ट करनी चाहिये

(d) He should report at ..... Dispensary on ..... before return to work

(इ) डाक्टरी जांच के आधार पर आगे सेवा के लिए अयोग्य है

(e) Unfit for further service on medical grounds

(च) / (f) .....

निदान/ Diagnosis..... E.C.C.E. (Knee Disease)

आगे इलाज की सिफारिस, यदि हो/ Further treatment recommended, if any.....

कार्यालय मुहर/ Office Seal..... स्थानिक सजन का हस्ताक्षर/Signature of House Surgeon

तारीख/ Date ..... 24.12.01

Affested  
Govt. Authorit

RX ① Norflor eye drop 2 drops 4 times daily & 6 ales  
② NS-A/D eye drop 2 drops 4 times daily & 6 ales  
③ Dexacont N eye drop 1/2 an eye 6 ales  
④ Dexacont 2 drops 4 times daily 6 ales  
⑤ Tab Ps Complex 1x daily  
⑥ Cap Lerraycior (500 mg) 1x daily 4 3 days

Check up after 8 hrs

Pay well by 000

Check up rates

6/21/02

6/21/02

case ① ② ③

2 Diamox 1000

22/1/02

MODEL : JF-113  
 PDI : JOHN FOWLER OPHTH.  
 DIOPTER : 21.5  
 A CONSTANT : 118.1  
 LENGTH : 12.50 MM

SN : 30200450  
 EXP. DT. : 2008-02

F.M. - 54  
 d. सी/C-2  
 FICATE

अस्पताल से रुक्म

आधपन्ना/Counter No:-

अस्पताल/ HOSPITAL.....

तारीख/ Dated.....

अन्तर्गत सं/ Indoor No.....

क्रम सं/ Sl. No.....

अस्वस्थता प्रमाण-पत्र सं/ Sick certificate No..... तारीख/ Date.....

नाम/ Name..... K. Gangaram..... अन्य सम्बंधी/ Next of kin.....

आयु/Age..... 56 Yrs..... वार्ड/ Ward..... शल्य/ भेषज/Surgical/Medical

पदनाम/Designation..... F. S. C. ..... विभाग/Department..... Me. ..... अनुभाग/Section..... N. C. O.

अस्थायी/ Provisional

निदान/ Diagnosis.....

अस्थायी जांच\*/ Provisional Treatment\*

कैफियत/ Remarks.....

भर्ती करने की तारीख\*/ Date admitted\* 24-6-03 रुक्सत होने की तारीख\*/ Date of discharge 30/6/03

कार्यालय मुद्रा/Office Seal..... स्थानिक सर्जन का हस्ताक्षर/Signature of House Surgeon.....

केवल मंडल जिला अस्पताल द्वारा भरा जाय/ To be filled in by District Hospital only. तारीख/ Date.....

### रुक्सत होने का प्राप्ति-पत्र/ DISCHARGE - CERTIFICATE

(क) वह व्यक्ति के योग्य है/ (a) He is fit for duty.  
 (ख) इह डाक्टरी जांच के आधार पर तारीख ..... से ..... तक की रुक्सत होने के लिए सिफारिश कि जाती है  
 (ब) Recommended leave on medical grounds from ..... to .....  
 (ग) इलाज के लिए उसे ..... द्वारा दिया जाना चाहिये  
 (क) He should attend at ..... Dispensary for further treatment  
 (घ) काम पर वापस जाने के पहले ..... का ..... द्वारा दिया जाना चाहिये  
 (द) He should report at ..... Dispensary on ..... before return to work  
 (इ) डाक्टरी जांच के आधार पर आगे सेवा के लिए अयोग्य है  
 (ए) Unfit for further service on medical grounds

दि. 11/2/03, डाक्टरी जांच की सिफारिश, यदि हो/ Further treatment recommended, if any.

स्थानिक सर्जन का हस्ताक्षर/Signature of House Surgeon

तारीख/ Date .....

N. F. Rly. Press - 13/35/0002/1435 - 2000-550 X 100 Lvs.

विकिता अधिकारी/Medical Officer

21 Eye

Attested  
Lalit  
Advocate

Rx

- ① Ciplo eye drop apply 2 drops 4 times daily for 6 weeks.
- ② Dexone / Dexacort-N eye drop apply 2 drops 4 times daily for 6 weeks.
- ③ Cap Ampicilline 500 mg 8 hourly x 3 days.
- ④ Cap Zevit Scap after lunch daily.  
Check up after 2 weeks.

for  
3/16

ANNEXURE - III

N.F. RAJGARH

Medical  
M.G.H.

W/184/1 (GNRC)

33204

✓ The Prof. Incharge  
Dept. of RLQ (OPD).  
(GJAHATI MEDICAL COLLEGE & HOSPITAL).  
GUJAHATI.

SUB: Smt. K. Gangaramma. 56 yrs./F  
- ESC / Medical / NBC

Sir, - - - - -

The above mentioned patient is being referred to you  
alongwith a case note for further treatment please.

Enclo:- One Case Note

Yours faithfully,

✓ MEDICAL DIRECTOR/CH/MLG

Copy to:- 1) CMD/MLG alongwith a case note for approval please.

2) The concerning Doctor Dr. B. R. Deora 09/06/MLG  
for information alongwith a case note please.

3) Staff concerned for information

✓ MEDICAL DIRECTOR/CH/MLG

W.M.  
12/1/1981  
Medical  
and Diagonal Medical  
to the Prof. Incharge

After  
Dr. B. R. Deora

## CASE NOTE

Smti K Gangamma, 56 yr/F  
FSC/Medical/NBQ

### HISTORY OF PRESENT ILLNESS:

The patient is complaining of dimness of vision in both eyes since last six months. She was a patient of cataract and her eyes were operated first the left eye in 2001 and ECE was done. Her right eye was operated in June 2003 and ECCE with PC/IOL implant done. Since then, she is complaining of difficulty in vision. She is a known case of diabetes and is taking Daonil Tab.

### GENERAL EXAMINATION:

Pulse: 78/minute, BP: 150/90 mm Hg Pallor: Absent

### SYSTEMIC EXAMINATION:

CVS:	Normal
CNS:	Normal
Respiratory System:	Normal
Abdomen:	Normal

### LOCAL EXAMINATION OF EYES:

Cornea clear in both eyes

Pupil updrawn in left eye and normal in both eyes.

Lens: Pseudophakia in right eye and aphakia in left eye.

Vision: Right: ? 1/60, Left: ? No perception of light.

IOP: Right: 20.6 mm; Left: 24.4 mm Hg.

Ophthalmoscopic Examination: Right eye fundus normal. Left eye fundus normal, except dull foveal reflex.

### LABORATORY INVESTIGATION:

Blood Sugar (F): 140 mg %

### IMPRESSION: MALINGERING?

*Frank*  
Sr. DMO Ophthalm CH MLG

W.M.  
14.2.04  
Medical Record No. 104  
Ophthalmic Divisional Medical Officer  
Go. of Mysore, T. Mysore  
U. Mysore

Date: 14.02.2004

চিকিৎসালয়ৰ ভিতৰত ধূমপান আৰু তামোল-পান খোৱা নিষেধ  
SMOKING AND CHEWING BETEL-NUT INSIDE THE HOSPITAL PROHIBITED

**GAUHATI MEDICAL COLLEGE HOSPITAL**

Dated Guwahati the ..... 20

**MEDICAL CERTIFICATE**

**WHOM IT MAY CONCERN**

This is to certify that Shri / Smti ..... K. Gargya ..... was treated as an in-door / out-door patient in

Regionl Institute of Ophthalmology  
of Medical College Hospital, Guwahati from on 12<sup>th</sup> April / 2004, suffered from  
Aphakia & Leptophakia (PL) and was / is suffering from Presenophakia (PE) & Vision loss (five  
He / She was / is advised to take rest for ..... week / days / months  
with effect from ..... to ..... After vision can not be improved.

Now he / she is fit to resume his / her duties.

Countersigned

Director & H. O. D.  
Regional Institute of Ophthalmology  
Gauhati Medical College Hospital  
Guwahati-781032

MM

NO 111/16

Signature

12/4/04

Assistant Professor of Ophthalmology  
Regional Institute of Ophthalmology  
Gauhati Medical College  
Guwahati-781032

214/04

Attest  
Dr. Sidhanta

From:

Smt. K. Gangama,  
E-JDR/Med/NBQ

Date- 17-05-2004

3X

To

The Medical Supdt. (IC)  
N.F.Rly., New Bongaigaon

Sub: Prayer for arranging medically unfit from  
Rly. service.

Sir,

With due respect I would like to inform you that I have been suffering from Aphakia with updrawn pupil and Pseudophakia(RE) with vision Frc(+)re and difficulty in vision and also suffering from diabetes. Both eyes were operated at C-Hospital/MLG and after referred to GMCH by MD/CH/MLG there was advised "Vision cannot be improved".

Therefore, I have frequently under the treatment of C-Hospital/MLG for which I am unable to resume my duty since long i.e. 25-06-03 as well as unable to do any work properly.

I hope your honour would be kind enough to consider my case sympathetically and arrange to medical unfit from Rly. service.

In this regard all treatment documents are enclosed herewith for your necessary action please.

*For forwarded*  
Your faithfully,

( K. Gangama )  
E-JDR/Med/NBQ Hospital.

Ph. 19/05/04

Attested  
Smt. Gangama  
Advocate

पूँसी०एम/N.F.M - 54

आर०बी०च०/R. B. Med. सी/ C - 2

पू० सी० रेलवे N. F. RAILWAY

## अस्पताल द्वे रुक्षस्थ तो चा प्रमाण-पत्र/HOSPITAL DISCHARGE - CERTIFICATE

अस्पताल/ HOSPITAL Central

क्रम सं/Sl. No..... अन्तर्गत सं/Indoor No. 1489/04 तारीख/Dated.....

अस्वस्थता प्रमाण-पत्र सं/Sick certificate No..... तारीख/ Date.....

नाम/Name Kone Gangamma ..... पदनाम/Designation F. Sel.

विभाग/Department Med. स्थेन/Station N.B.Q. जिला/मंडल/ District/Divin.

भर्ता/Admitted 29/11/04 विसर्जित/मृत/Discharged/ Died 14/12/04

(क) वह इस्युटी के योग्य है/(a) He is fit for duty.

(ख) इसे डाक्टरी जांच के आधार पर तारीख ..... से ..... तक की छुट्टि लेने के लिए सिफारिश कि जाती है

(ब) Recomended leave on medical grounds from ..... to .....

(ग) इलाज के लिए उसे ..... दवाखाना में उपस्थित होना चाहिये

(क) He should attend at ..... Dispensary for further treatment

(घ) काम पर चापम जाने के पहले ..... का ..... दवाखाना में रिपोर्ट करनी चाहिये

(द) He should report at ..... Dispensary on ..... before return to work

(इ) डाक्टरी जांच के आधार पर आगे सेवा के लिए अयोग्य है

(ए) Unfit for further service on medical grounds

(च) / (f) .....

निदान/ Diagnosis Post op. case B. Cataract for Medical Board Examination

आगे इलाज की सिफारिश, यदि हो/ Further treatment recommended, if any

Ref'd to Suburban Veterinary, Chennai

कायालय मुहर/Office Seal ..... स्थानिक सजन का हस्ताक्षर/Signature of House Surgeon

तारीख/ Date 14/12/04

कायालय विधायक वाक्या  
 कायालय विधायक विधायक विधायक  
 १० दी० रुपये, पूरा वाक्या  
 २० दी० रुपये, पूरा वाक्या

14/12/04

Attest  
G. S. Advocate

## ANNEXURE-VII 3<sup>o</sup>

N. F. Railway.

No. H/184/1(A)

Office of Medical Director  
Central Hospital/MLG  
Dated: 13-12-2004

To  
The Managing Director,  
Shankar Netralaya  
Chennai

Sub:- Smt.K.Gangamma, FSC/Medical/NBQ/N.F.Railway

Sir,

The above named patient is being referred to you along with a case note for further investigation and opinion regarding her visual status and prognosis please.

Enclo: A Case Note.

Yours faithfully,

*Das (Das)* *Maligaon*  
✓ Medical Director/Maligaon.

Copy to:-1)CMD/MLG along with a case note for approval  
please

- 2)Dr.B.R.Deka, Sr.DMO/Ophthalmology/CH/MLG along with a case note for information please.
- 3)Staff concerned for information

3) Staff concerned for information

4) APOMed/MED's office to issue one 2<sup>nd</sup> Class medical pass in favour of the above mentioned patient with one escort in the same class Ex. ~~Chennai~~ to Chennai and back.

Dr. K. DAS  
Vidyan  
Medical Hospital  
Pancharati-11

### Medical Director/MLG

Medical  
Nursing  
1206  
Divisional Medical  
Supt. Dr. B. B. Bhattacharya  
11, B. B. Bhattacharya  
B. B. Bhattacharya



SAHAKARA NETHRALAYA  
C.U. SHAH OPHTHALMIC POST GRADUATE TRAINING CENTRE  
UNITS OF  
MEDICAL RESEARCH FOUNDATION (Regd.)  
(An ISO 9001:2000 Certified Organisation)

Dr ADITH JITHIN  
Dr ADITH A J  
Dr AMALA ELIZABETH GEORGE  
Dr AMBRA S  
Dr AMIT NAGPAL  
Dr ANGAYARKANNI NARAYANAGWAMY  
Dr ANURADHA C  
Dr ARUN KUMAR NARAYANASWAMY  
Dr ASHA PADMAKUMARI RAJAKUMARI  
Dr ASHOK H  
Dr BAGODIATI S  
Dr BAKSHI A  
Dr BHAGAT LAKSHMI INDERMOHAN  
Dr BHAPTI SHARMA  
Dr BHASKAR CHINNAPAN  
Dr BISAKARAN S  
Dr CATHARINE MARY D'SOUZA  
Dr CHAITRA SEKARALA  
Dr CIETAN RZO  
Dr DHANASREE RATHA  
Dr EKTA P BISER  
Dr ELANGOVAN S V  
Dr GANDHIL RASHMI ANILKUMARI  
Dr GEVINDARAJU K E  
Dr GUINASEKARAN S  
Dr HEMA MALINI ARAVIND  
Dr HARI MUNIKA RAJ  
Dr IYER GEETHA KRISHNAN  
Dr JAGADESHI V  
Dr JAGATHAN V V  
Dr JYOTIRLALI DUVVADA  
Dr KANIKALA  
Dr KASHIFATHAN H  
Dr KAVITHA KALAIAVAI NATHARAJAN  
Dr KRISTINAKUMARI S  
Dr KUMARARAMAKRISHNA G  
Dr LAKSHMI MAHESH  
Dr LAV ROSE GAWAY  
Dr LEGKIA CHI  
Dr LILY THIRUMALA  
Dr LINGAM GOPAL  
Dr MADHAVI HAG K  
Dr MADHAVI C  
Dr MADHAVI H N  
Dr MADHAVI JAGADEESH  
Dr MATHESH KUMAR AGRAWAL  
Dr MATHILU P SHARMAKUMAR  
Dr MALATHI  
Dr MALAY VERMA  
Dr MAMTA AGARWAL  
Dr MANOHAR S P  
Dr MEENAKSHI S  
Dr MINA DUTERRE  
Dr NATALIA JAI M  
Dr NAVIN JAYAKUMAR  
Dr NIRMALA SUBRAMANIAN  
Dr NIVEDITHA NARAYANAN  
Dr OMA VEEVA JORONITA  
Dr PADMAJA KUMARI R  
Dr PADMAJA MIRAKSHISUNDARAM  
Dr PANKAJ RUPAULHA  
Dr PARVESH SEN  
Dr PRADEEP PAUL G  
Dr PRADEEP S  
Dr PRADEYA SENTHIL KUMAR  
Dr PRANOD B BHATTACHARYA  
Dr PRATIMA BHOWMIK  
Dr PRITAM PADMANABHAN  
Dr PUKRAJ RISHI  
Dr RADHIKA H  
Dr RAJEEV KUMAR REDDY P  
Dr RAJESH FOGLA  
Dr RAJESH P S  
Dr RAJIV RAHAN  
Dr RAMA RAAGOPAL  
Dr RAMAKRISHNAN C  
Dr RAMAKRISHNAN S  
Dr RAVI BHANAKAR K  
Dr RAVINDRA MOHANTY  
Dr RONNIE J COO GEORGE  
Dr SACHII DEVI B  
Dr SAILESH C G V  
Dr SANDIPE PHANSALKAR  
Dr SANJAY S  
Dr SESHADRI VENKATESH P  
Dr SHAMPIER DATLU M S T  
Dr SHANTHA S  
Dr SHEILA JITHI  
Dr SHIKHA DAS  
Dr SHIKHA FOGLA  
Dr SHOBITA RAVISHANKAR  
Dr SITALAKSHMI G  
Dr SIVITA PRAMOD  
Dr SIVITA V MENON  
Dr SONIA L RAMAN  
Dr SOUMAV SIRIJA  
Dr SRIDHAR RAJU  
Dr SRIPRIYA KRISHNAMOORTHY  
Dr SUDHA K SALESKI  
Dr SUDHA R R  
Dr SUJATA GHOSH BASAK  
Dr SUJATA R  
Dr SUJATA V  
Dr SUMITA AGARKAR  
Dr SURUDHRAJIT S  
Dr SWAMI AGADWAL  
Dr TARUN SHARMA  
Dr UMA RAMESH  
Dr USHA BOMAHATHI  
Dr VASANTHI BADRIRAJI  
Dr VENAY V L  
Dr VIRELLI T RATHA  
Dr VISHNU VAIHAN PRASAD

RM--PMS-14911 - N

05-Feb-05

MRS GANGAMMA K  
C/O KAMARAJU  
N F RLY HOSPITAL  
N B Q NEW BONGAIGAON  
PIN 783 361  
ASSAM - INDIA

CASE SUMMARY

Mrs. K. Gangamma (Our MRD No.971017) a 55-year-old patient came for an eye examination on 17.01.2005. The patient had undergone a cataract surgery with implantation of posterior chamber intraocular lens in the right eye in 2003. In the left eye, she had undergone a intracapsular cataract extraction with complete iridectomy in 2001. She feels there was no improvement in vision after surgery. She complained of pain and watering constantly in the left eye. The patient has been evaluated elsewhere. She was suspected to be a case of Malingering and she has been referred here for further opinion and management. She is a known diabetic for the past eight years and also has hypertension for the past eight years and she is on treatment for the same.

On examination, her visual acuity was hand movements close to face in the right eye and she was denying perception of light in the left eye. However, after the refraction and bit of encouragement, the patient's in the right eye vision improved to 6/12;6/18 Reduced Snellen but in the left eye, it continued to be no perception of light. Slit lamp examination of the right eye revealed the presence of an intact posterior chamber intraocular lens. The cornea was clear. There was mild meibomitis and posterior capsular opacification. In the left eye, the patient had severe meibomitis with superior corneal edema. Aphakia was noted and she was noted to have vitreous in the anterior chamber touching the

*After for  
last hardware*

endothelium. The patient was suspected to have early corneal decompensation in the left eye and there were inflammatory changes involving the lid margin in the left eye. Applanation tension recorded was 20 mmHg in the right eye and 14 mmHg in the left eye.

The patient was not co-operative for gonioscopy. Fundus examination of the right eye revealed a normal disc. Foveal reflex was slightly dull in the right eye and retina was found to be attached in the right eye. In the left eye, the disc appeared to be normal and retina was found to be attached.

The patient was advised a visually evoked potential test for both the eyes, which was found to be normal in the right eye and in the left eye, both flash and pattern visually evoked potential showed extinguished response. So, the patient has been prescribed glasses for the right eye. She was advised to use lid scrubs for both the eyes to improve the hygiene of the lid and she has been suggested that she needs further evaluation. However, she had financial constraints and was not willing to stay back for the same.

The option of undergoing a YAG capsulotomy in the right eye was explained to the patient. She has been advised a close watch of the corneal decompensation. She has been asked to come for a review after a period of one month.

*May  
1999*

DR PADMAJA MINAKSHI SUNDARAM

Sankara Nethralaya, Medical College -30-  
18, College Road, Chennai-600 006, India  
Ph: (044) 2827 1616, Fax: +91-44-825 4180  
E-mail: mrf@sankaranethralaya.org

Last: K  
Med ID: 971017  
Date: 01/20/2005

First: GANGAMMA  
Age: 55  
Examiner: KIRAN

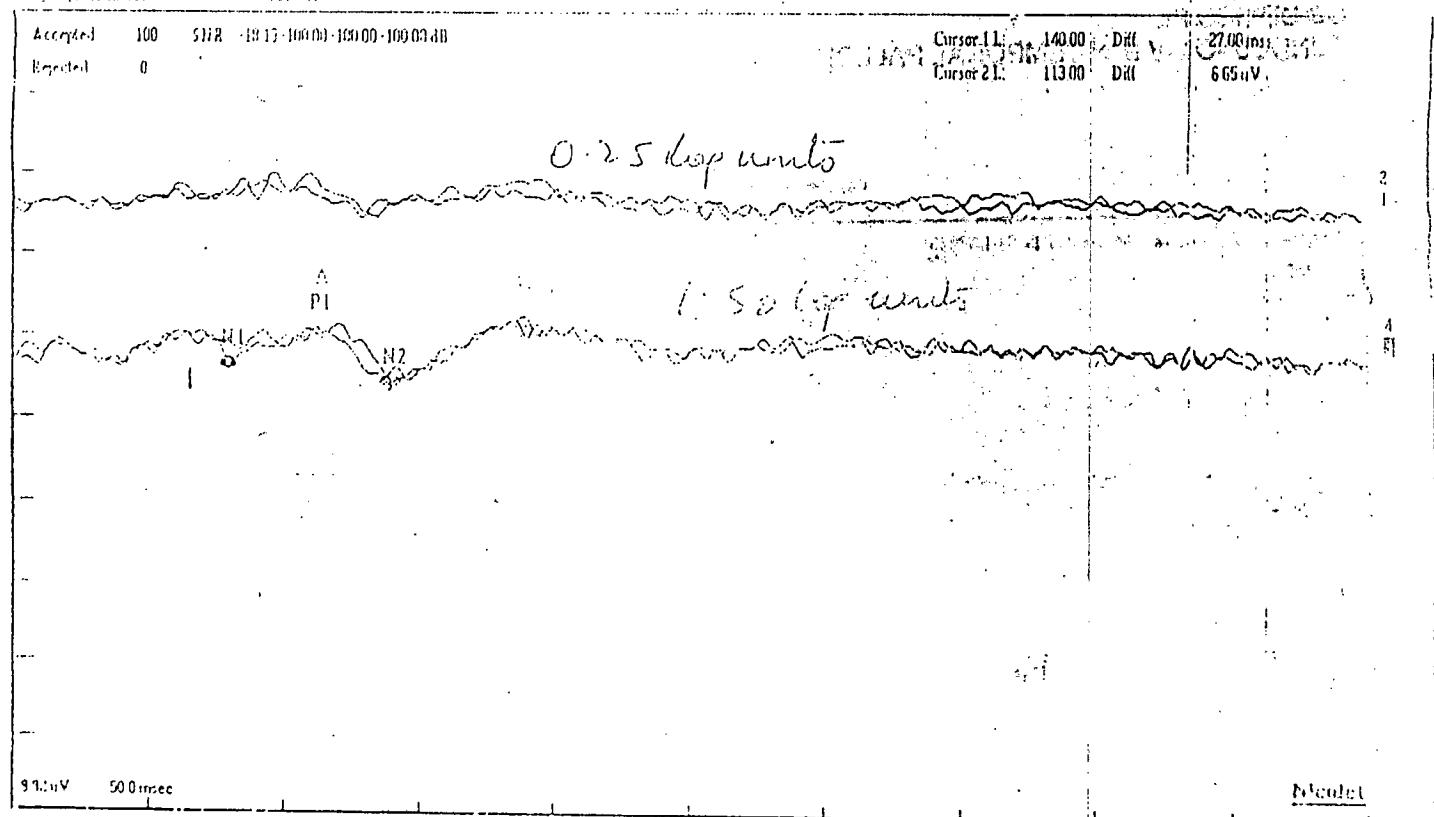
Gender: F

Case History:  
OD CAT SX WITH IOL VN 2/60  
OS APHAKIA WITH VIT IN A/C

Notes/Impressions:  
OS DENIES PL  
FUNDUS -OU-V. MIN TEMPORAL PALLOR

OD CAT SX WITH IOL VN  
OS APHAKIA WITH VIT IN A/C

GANZFIELD FLASH VEP



Sensitivity and Sweep Time Per Division  
1 | 0.02 uV 50.0 msec 2 | 0.02 uV 50.0 msec 3 | 0.02 uV 50.0 msec 4 | 0.02 uV 50.0 msec

FLASH VEP			
P1	140.00ms		
P1	113.00ms		
A	4.11uV		
N2	140.00ms		

Sankara Nethralaya, Medical Research Foundation  
18, College Road, Chennai-600 006, India  
Ph: (044) 2827 1616, Fax: +91-44-825 4180  
E-mail: [mrf@sankaranethralaya.org](mailto:mrf@sankaranethralaya.org)

Last: K  
Med ID: 971017  
Date: 01/20/2005

First: GANGAMMA  
Age: 55  
Examiner: KIRAN

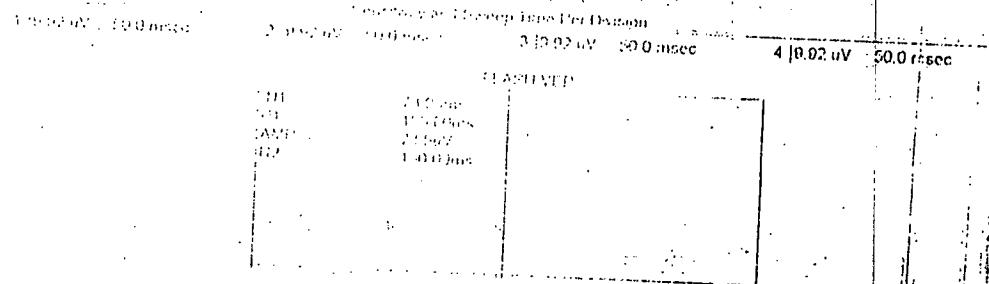
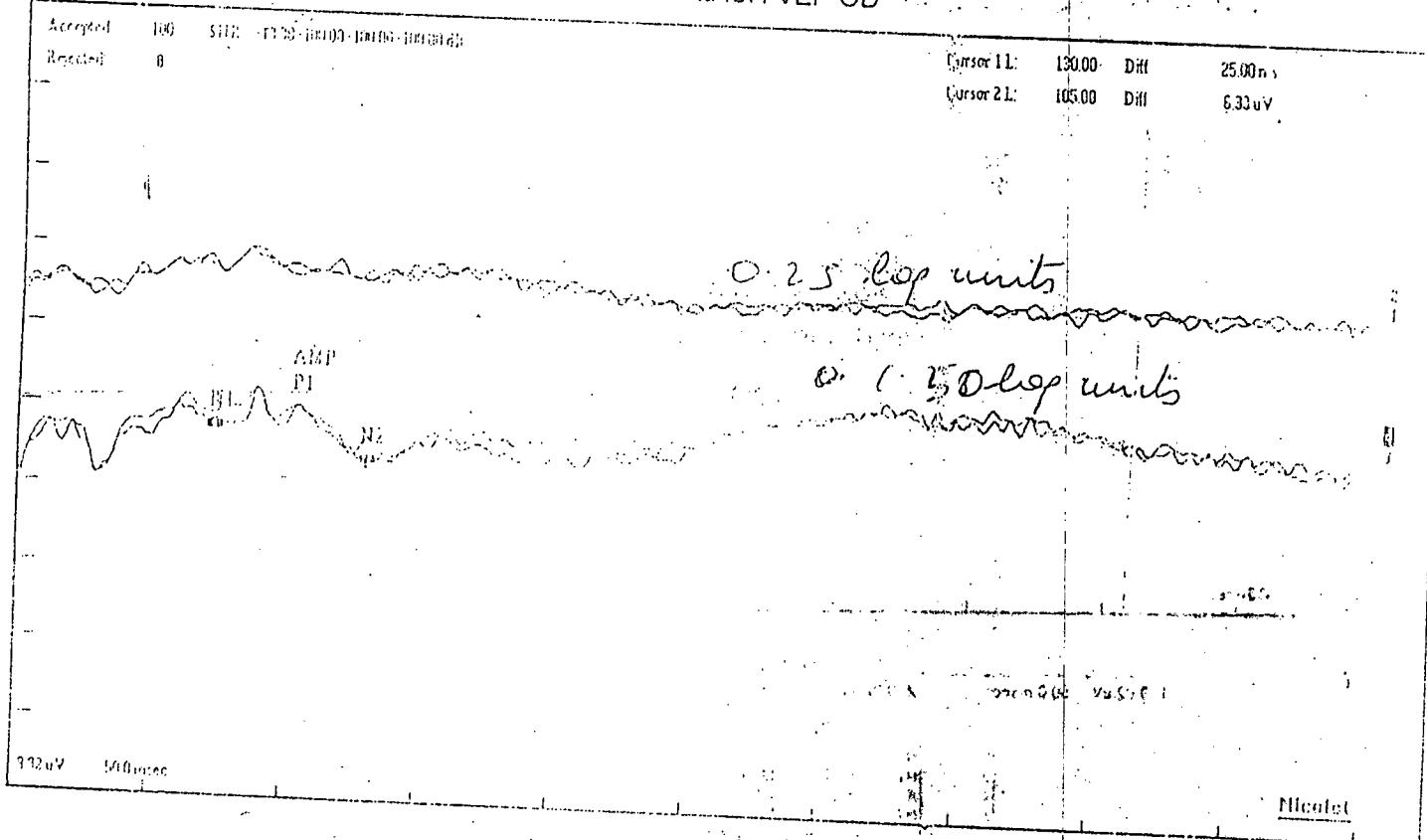
Gender: F

Case History:  
OD CAT SX WITH IOL VN -2/60  
OS APHAKIA WITH VIT IN A/C

### Notes/Impressions:

## NOTAS DE IMPRESIÓN OS DENIES EN

### GANZFELD FLASH VEP OD





-32-

ANNEXURE-IX

N.E.RAILWAY

No.II/174/INV/NBQ/51

Office of the  
Medical Supdt.  
New Bongaigaon  
Date- 12-03-2005

To  
MD/CH/MLG

Sub:- Smt. Kone Gangamma, F/S.Cleaner/Med/NBQ

\*\*\*\*\*

I am directing herewith the above named patient in connection  
with Medical board to be held at C-H/MLG.

This is as per telephonic discussion with you on 11-03-05.

Medical Supdt.  
N.E.Rly.New Bongaigaon

Copy to: Smt. K. Gangamma, F-S/Cleaner/Med/NBQ- She is advised to attend C.H/MLG  
on 15-03-05 and report to MD/CH/MLG in connection with the above.

*M.D.*  
15/3/05  
Medical Supdt.  
N.E.Rly.New Bongaigaon

*Allesha  
Latk  
Advocate*

फू. सी० रेलवे/N. F. RAILWAY

पू०सी०एम/N.F.M - 54  
आर०बी०धी०/ R. B. Med. S/o C/2

अस्पताल से राजस्वत होने का प्रमाण-पत्र/HOSPITAL DISCHARGE - CERTIFICATE

EMR - 1

अस्पताल/ HOSPITAL..... C H I M 224 .....

क्रम सं०/Sl. No..... अन्तर्गत सं०/Indoor No. 851/05 तारीख/Dated. 15/3/05

अस्वारणता प्रमाण-पत्र सं०/Sick certificate No..... तारीख/ Date.....

नाम/Name..... Smt. Kone Gomamma 55 yrs पद्धति/Designation.....

विभाग/Department..... F scl Med N P O स्थान/Station..... जिला/मण्डल/ District/Divin.....

भर्ती/Admitted. 15/1/05 विमर्श/मृत/Discharged/ Died. 18/03/05

(क) वह इयुटी के योग्य है/(a) He is fit for duty.

(ख) इन्हे डाक्टरी जांच के आधार पर तारीख ..... से ..... तक की सूची लेने के लिए सिफारिश कि जाती है

(ब) Recomended leave on medical grounds from ..... to .....

(ग) इलाज के लिए उसे ..... दवाखाना में उपस्थित होना चाहिये

(c) He should attend at ..... Dispensary for further treatment

(घ) काम पर वापस जाने के पहले ..... का ..... दवाखाना में रिपोर्ट करनी चाहिये

(द) He should report at ..... Dispensary on ..... before return to work

(इ) डाक्टरी जांच के आधार पर आगे सेवा के लिए अयोग्य है

(ए) Unfit for further service on medical grounds

(च) / (f) .....

निदान/ Diagnosis.....

आगे इलाज की सिफारिस, यदि हो/ Further treatment recommended, if any.....

कार्यालय मुहर/ Office Seal..... स्थानिक सर्जन का हस्ताक्षर/Signature of House Surgeon  
तारीख/ Date .....

Medical Board Head

He discharged with advice

18/3/05

Attest  
Date  
Signature

ना नहीं NOT INSURED

गाये गये डाक टिकटों का मूल्य रु. २.२० पै.  
mount of Stamps affixed Rs. 2.20/-

न रजिस्ट्रेड\*..... प्राप्त किया  
Received a Registered\*.....

निवाले का नाम.....  
addressed to..... Medical Update

क्रमांक  
No. 1772

तिरीछा शोहर  
Date Stamp

NFR Hospital पानेवाले अधिकारी के दस्तावर  
Signature of Receiving Officer

ना नहीं NOT INSURED

गाये गये डाक टिकटों का मूल्य रु. २.२० पै.  
mount of Stamps affixed Rs. 2.20/-

न रजिस्ट्रेड\*..... प्राप्त किया  
Received a Registered\*.....

निवाले का नाम C.M.D NFR  
addressed to.....

क्रमांक  
No. 1773

तिरीछा शोहर  
Date Stamp

पानेवाले अधिकारी के दस्तावर  
Signature of Receiving Officer

To,  
The Medical Superintendent(IC),  
N.F.Rly./ New Bongaigaon.

Sub:- Prayer for permission to  
continious sick.

Ref:- Your L/No. H/174/INV/NBQ/51  
dated 19.05.05.

Respected Sir,

Reference your letter mentioned above  
I beg to state that for long 2 years I was  
under sick of Rly. Doctor due to my eye problem  
In connection with the above medical Board held  
at CH/MLG/N.F.Rly. recommended fit for duty in  
my present category of service. Accordingly  
CMD/MLG accepted the recommendation via his  
L/No. HM/Medical Board(Loose) dated 9.05.05.

But, sorry to inform you that my left  
eye vision is nil and right eye vision is not  
clear. Inspite of sever problem in eyes myself  
recommended fit for duty.

That Sir, In connection with the above  
I have file a case to the CAT/GHY for justice.

Therefore, ~~is~~ my earnest request for  
your kind permission to allow me remain sick  
till final decision of the CAT/GHY and oblige.

Dated/NHQ  
The 25/5/05

Yours faithfully,

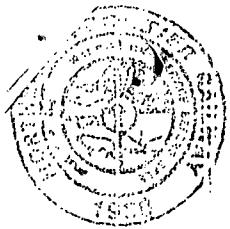


(RTI of K. Gangama)  
F/S/Cleaner  
Mod./NBQ.

Copy to:- Sr.DMO/IC/OPD/NBQ-- for information pl.



*Affest  
Satish  
Advocate*



N.F.RAILWAY

No.H/174/INV/NBQ/51

Office of the  
Medical Supdt.  
New Bongaigaon  
Date-19-05-2005

To  
Smt. Kone Gangamma,  
F-S/Cleaner/Med/NBQ

Sub:- Fit for duty in the present category of service!

As per Medical Board recommendation(held at CH/MLG/N.F.Rly) you are fit for duty in her present category of service which has been accepted by CMD/MLG vide his letter No.HM/Medical Board(Loose) dtd.09-05-05.

Therefore, you are advised to resume duty in the present category of service immediately.

Medical Supdt.  
N.F.Rly.New Bongaigaon

Copy to:- Sr.DMO/Ic/OPD/NBQ- He is requested to issue necessary Sick/Fit certificate in favour of the above named staff accordingly.

Medical Supdt.  
N.F.Rly.New Bongaigaon

*Lept 12/5/05*



N.F.RAILWAY

No.H/174(INV)/NBQ/Court/51

Office of the  
Medical Supdt.  
New Bongaigaon  
Date-23-07-2007

To  
Smt. Kone Gangamma,  
F-S/Cleaner/Med/NBQ

Sub:- Medical Board for invalidation.

\*\*\*\*\*

As per Medical Board recommendation which was held at  
C.H/MLG on 16-03-05, you are fit for duty in the same category of service duly accepted  
by CMD.

In connection with the above you were advised to resume duty in  
the present category of service vide this office letter No.H/174/INV/NBQ/51 dt.19-05-05.  
Subsequently you have applied(dtd.28-5-05), at present not in a position to resume duty  
due to severe problems in eyes and was requested to continue my sick.

Thereafter, as advised by CMD, you may appeal to CMD/MLG in  
writing for review the case.

*MS*  
*23/7/05*

Medical Supdt.  
N.F.Rly.New Bongaigaon

*Atish  
Das  
Advocate*

To,

The Chief Medical Director,  
N.F. Railway,  
Maligaon, Guwahati.

(Through Proper channel)

Sub: - Unfit for work due to loss of vision after operation.

Ref: - Letter No. H/174 (INV)/NBQ/Court/51 dated 23.07.2005 of Medical Superintendent; N.F. Railway, New Bongaigaon.

Sir,

Most humbly and respectfully I beg to refer to the letter No. H/174 (INV)/NBQ/Court/51 dated 23.07.2005 of Medical Superintendent; N.F. Railway, New Bongaigaon, whereby I have been directed to appeal to your goodself on the subject referred to above and as such I beg to lay the following facts in this context before your honour for your kind and sympathetic consideration.

- (1) That Sir, I am working as Female S. Cleaner in the Medical department, N.F. Railway, at Bongaigaon and had been suffering from eye diseases in both the eyes.
- (2) That Sir, after protracted treatment in the departmental hospital, eventually my left eye was operated upon in December' 2001 in the Railway Central Hospital at Maligaon. But unfortunately the operation was unsuccessful and I lost my vision in the left eye.
- (3) That Sir, subsequently, my right eye was also operated upon in June' 2003 in the said Railway Central Hospital, Maligaon. But there was hardly any improvement and it became difficult for me to see anything and my eyes have become almost invalid for all practical purposes.
- (4) That Sir, finding no improvement in my eye-sight even after prolonged post-operative treatments, I was referred by the Central Hospital, Maligaon to Regional Institute of Ophthalmology, Guwahati Medical College, Guwahati for further treatment. The Regional Institute of Ophthalmology after

*A. Helein  
Law Advocate*

examining me, stated in its medical certificate dated 12.04.04 that my vision cannot be improved.

(5) That Sir, I was thereafter referred to Shankar Netralaya, Chennai which also reported that there is total loss of vision in the left eye, though some improvement could be observed in the right eye.

(6) That Sir, since then I have been extremely suffering from eye troubles and loss of vision and I cannot see the things properly and not to speak of doing my works. As such I have been passing through extreme disabilities and mental anxieties.

(7) That Sir, situated thus, I applied for issuance of medical certificate declaring me as unfit for Railway services, but the same has not been issued and on the contrary I am being pressurized for joining my duties, which I am unable to discharge.

Under the facts and circumstances stated above, I fervently appeal to your honour kindly to consider my case with utmost compassion and issue a medical certificate declaring me as unfit and invalid for Railway service and until then be kind enough to allow me to continue on leave, and for this act of your kindness I shall remain ever grateful to you.

Yours faithfully

Date: 01.06.05

(KONE GONGAMMA)

Female S. Cleaner  
Medical Department,  
N.F. Railway,  
New Bongaigaon

## ANNEXURE-XIV

### Visual Impairment disability Categories basis on its severity and proposed disability percentages

ANNEXURE-III

	All with corrections		Percentage impairment
	Better eye	Worse eye	
Category 0	6/9—6/18	6/24 to 6/36	
Category 1	6/18—6/36	6/60 to Nil	20%
Category II	6/60—4/60 or Field of vision 110—20	3/60 to Nil	40%
Category III	3/60 to 1/60 or Field of vision 100	F.C. qt 1 ft. to Nil	75%
Category IV	F.C. at 1 ft. to Nil or Field of vision 100	F.C. at 1 ft. to Nil Field of vision 100	100%
One eyed persons	6/6	F.C. at 1 ft. to Nil	30%

The method of evaluation shall be the same as recommended in hand book of Medical examination.  
Impairment of 20%—40% or less may only be entitled to aids and appliances.

Attested.

This Annexure - 'D' is the  
true copy of the original  
document.

Goutam Pathak Banerjee

Advocate.

14.06.94.

Attested  
Law Advocate

SRI SANKARADEV  
NETHRALAYA  
Beltola, Guwahati - 781 028  
(Assam) INDIA

Phone : 91-0361-2305516, 2228879, 2228921, 2228922  
Fax : 91-0361-2228878  
E-Mail : ssnghyl@sify.com  
Web : www.ssnguahati.org

Ref ..... No. SSN/166933//MRD/2005

Date...17/08/2005.....

President :  
Hon'ble Justice S.N. Phukan  
Vice President :  
Mr. S. V. Subramanian  
Secretary :  
Mr. Romesh Pasari  
Medical Director :  
Dr. H. Bhattacharjee

**To Whom It May Concern**

Name of the patient : MS. K. GANGAMMA

DOB/Sex : 01-02-1949/F

This is to certify that Ms. K. Gangamma (SSN MRD No.166933/2005), was examined in our institution first on 10-06-2005. Her Present Ocular status is as bellow:-

Right eye: Pseudophakia  
Vision - HMCF, PL +ve.  
Left eye: Complicated Aphakia  
High IOP  
Painful Blind eye.

Normal activities outside residence will be difficult for her due to her visual status.

(Authorised Medical Attendant)  
Sri Sankaradeva Nethralaya, Guwahati.

To.

The Chief Medical Director,  
N.F.Railway,  
Maligaon, Guwahati.

(Through proper channel)

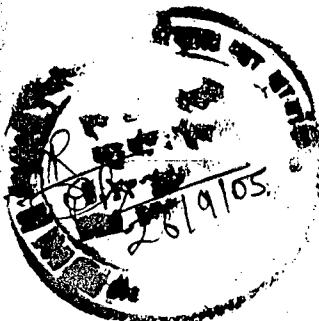
Sub:- Unfit for work; Invalid pension

Ref:- My appeal dated 01.08.2005

Sir.

Most humbly and respectfully I beg to refer to my appeal dated 01.08.2005 and beg to lay the following facts in the context before your honour for your kind sympathetic considerations:

- (1) That Sir, I am working as female S. Cleaner in the medical department, N.F.Railway, at Bongaigaon and have been suffering from loss of vision in both the eyes.
- (2) That Sir, after protracted treatment in the departmental hospital, eventually my left eye was operated upon in December 2001 in the railway Central Hospital at Maligaon. But unfortunately, the operation was unsuccessful and I lost my vision in the left eye.
- (3) That Sir, subsequently my right eye was also operated upon in June 2003 in the said railway Central Hospital, maligaon. But there was hardly any improvement and it become difficult for me to see anything and my eyes have become almost invalid for all practical purposes.
- (4) That Sir, finding no improvement in my eye-sight even after prolonged post-operative treatments, I was referred by the central Hospital, Maligaon to Regional Institute of Ophthalmology (RIO), Guwahati Medical college, Guwahati for further treatment. The RIO after examining me, stated in its medical certificate dated 12.04.2004 that my vision cannot be improved.



*Alleetra  
R.D. Salwade*

(5) That Sir, I was thereafter referred to Shankar Netralaya, Chennai which also reported that there is total loss of vision in the left eye, though some improvement could be observed in the right eye.

(6) That Sir, since then I have been extremely suffering from eye troubles and loss of vision and I cannot see even the closest object properly and not to speak of doing my works.

(7) That Sir, situated thus, I applied for issuance of medical certificate declaring me as unfit for railway services, but the same has not been issued and on the contrary I am being pressurized for joining my duties, which I am unable to discharge.

(8) That Sir, being in extreme anxiety, I had been to Sri Sankardeva Netralaya, Guwahati. Where I have been further examined and Sri Sankardeva Netralaya in its medical certificate dated 17.08.2005 has stated as follows:

Normal activities outside residence will be difficult for her due to her visual status."

A copy of the certificate is enclosed herewith.

Under the circumstances, I fervently appeal to your honour once again kindly to consider my case with utmost compassion and issue a medical certificate declaring me unfit and invalid for railway services and will then be kind enough to allow me to continue on leave, and for this act of your kindness I shall remain ever grateful to you.

Enclo:- Medical certificate dated 17.08.2005

Date- 24.09.2005

Faithfully

Yours



(Kone Gangamma)

(ii) In case a railway employee initially joins a corporation or company or body on foreign service terms by retaining a lien under the Railways the date from which his unqualified resignation is accepted by the Railways.

(2) The provision of sub-rule(1) shall also apply to a railway servant who is permitted to be absorbed in joint sector undertakings, wholly under the joint control of Central Government and State Governments/Union Territory Administrations or under the joint control of two or more State Governments or Union Territory Administrations.

(3) Where there is a pension scheme in a body controlled/financed by the Central Government in which a railway servant is absorbed, he shall be entitled to exercise option either to count the service rendered under the Railways in that body for pension or to receive pro rata retirement benefit for the service rendered under the Railways in accordance with the orders issued by the Railways.

*Explanation.*—Body means autonomous body or statutory body.

54. Payment of lump sum amount to persons on absorption in or under a Corporation, Company or body.—Where a railway servant referred to in Rule 53 elects the alternative of receiving the death-cum-retirement gratuity and a lump sum amount in lieu of pension, he shall, in addition to the death-cum-retirement gratuity, be granted—

- (a) on an application made in this behalf, a lump sum amount not exceeding the commuted value of one third of his pension as may be admissible to him in accordance with the provisions of the Railway Services (Commutation of Pension) Rules, 1993; and
- (b) terminal benefits equal to the commuted value of the balance amount of pension left after commuting one-third of pension to be worked out with reference to the Commutation Table in Appendix to the Railway Services (Commutation of Pension) Rules, 1993 on the date of his resignation subject to the condition that the railway servant surrenders his right of drawing two-thirds of his pension.

55. Invalid Pension.—(1) Invalid pension may be granted to a railway servant who retires from service on account of any bodily or mental infirmity which permanently incapacitates him for the service.

(2) A railway servant applying for an invalid pension shall submit a medical certificate, from a duly constituted medical authority, of his permanent incapacity for service due to bodily or mental infirmity.

(3) Where the medical authority referred to in sub-rule(2) has declared a railway servant fit for further service of less laborious character than that which he had been doing he should, provided he is willing to be so employed, be employed on a lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension.

(4) A railway servant may, if he considers that he is not in a fit state of health to discharge his duties, apply to the appropriate authority for retirement on invalid gratuity or pension.

*Attested  
S. A. Advocate*

he is still under fifty-eight years of age, the appropriate authority under whom he is working shall forward to the medical authority an additional statement giving the grounds on which it is proposed to retire him.

**59. Form of medical certificate.**— The medical certificate shall be in the following form:—

"Certified that I/We have carefully examined AB.....son of CD.....in the I/We consider AB.....to be completely and permanently incapacitated for further service of any kind (or in the department to which he belongs) in consequence of.....(here state disease or cause). His incapacity does not appear to me/us to have been caused by irregular or intemperate habits."

**Note.**— If the incapacity is the result of irregular or intemperate habits, the following will be substituted for the last sentence:—

In my/our opinion his incapacity is directly has been due to accelerated or aggravated by irregular intemperate habits.

If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made:

I am/We are of the opinion that AB.....is fit for further service of a less laborious character than that which he has been doing (or may, after resting for.....months be fit for further service of a less laborious character than that which he has been doing).

**60. Reasons for medical opinion of incapacity or under statement of age.**— If the medical authority considers a railway servant incapacitated for further service by general debility while still under the age of fifty-eight years, it shall give detailed reasons for its opinion. If the medical authority considers him, to be above fifty-eight years of age, it shall state its reasons for believing the age to be understated:

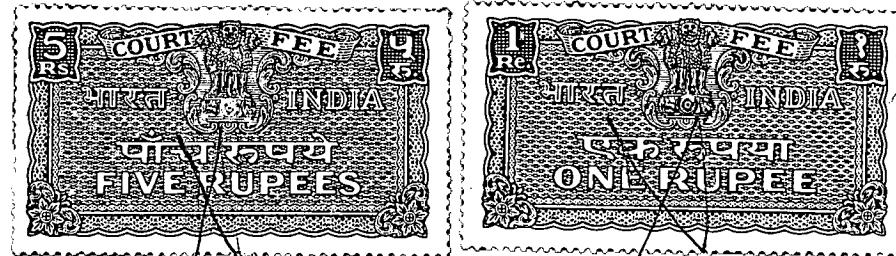
provided that in doubtful cases, a second medical opinion shall be obtained.

**61. Requirement of details in the certificate.**— A mere certificate that inefficiency is due to old age or natural decay from advancing years shall not be deemed to be sufficient for retiring a railway servant on invalid gratuity or pension.

✓ **62. Date of invalidation.**— A railway servant, who is declared by the medical authority referred to in Rule 55 to be completely and permanently incapacitated for further service shall, if he is on duty, be retired from service from the date of relief of his duties which shall be arranged without delay on receipt of a report from the medical authority or if, he is granted leave under Rule 522 of the Code on the expiry of such leave but if he is on leave at the time of receipt of the medical certificate, he shall be retired from service on the expiry of such leave or extension of leave if any granted to him under Rule 522 of the said Code.

**63. Compensation Pension.**— (1) If a railway servant is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him, to be at least equal to those of his own have the option—

(a) of taking compensation pension to which he may be entitled for the service he had rendered, or



VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

O. A. No. 49 12006

Suniti Kone Gongamna. ....Applicant(s)

-Vs-

Union of India & others. ....Respondent(s)

Know all men by these presents that the above named Applicant do hereby appoint, nominate and constitute Sri Manik Chanda, Sri S. Nath, S. Choudhury and Sri N. Chakrabarty, Advocate(s) and such of below mentioned Advocate(s) as shall accept this VAKALATNAMA to be my/our true and lawful Advocate(s) to appear and act for me/us in the above noted case and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all such acts to be mine/our for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate(s) shall be bound to appear and/or act on my/our behalf.

In witness whereof, I/We hereunto set my/our hand on this the 23<sup>rd</sup> day of February 2006.

Received from the Executant, Mr. \_\_\_\_\_ And accepted  
satisfied and accepted. Senior Advocate will lead me/us in the case.

*Surjyit Choudhury*  
Advocate.

*Subrata Nath*  
Advocate

*Manik Chanda*  
Advocate

*Deepti Choudhury*  
Advocate

59

*(Kone Gongamna)*

NOTICE

From:-  
S. Nath  
Advocate.

To:- Mr. J. L. Sarkar,  
SC, N.F. Railway

Sub:- O.A. No. — 2006  
(Smti K. Gangamma vs. U.O.I. for.)

Sir, find please enclosed herewith a copy of the original application, which is being filed today. This is for your information and necessary action.

Please acknowledge receipt of the same.

Received

Yours sincerely

Subrata Nath  
Advocate.  
23/2

(J. L. Sarkar).  
SC, N.F. Railway

I undertake to serve a copy of  
the O.A. to J. L. Sarkar, SC, N.F.Rly.

Subrata Nath Advocate  
23/2

Yours  
Subrata Nath  
Advocate  
23/2