

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

Original Application No. 768/2012

Date of order: 30/05/2016

Coram:

Hon'ble Dr. K.B. Suresh, Judicial Member

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Dinesh Nemiwal S/o Shri Mahabir Prasad Nemiwal, Aged about 29 years, Resident of C-50, Sector II-A, Khetri nagar, District, Jhunjhunu, Rajasthan-333504.

.....Applicant

(Mr. Amit Mathur, counsel for the applicant.)

VERSUS

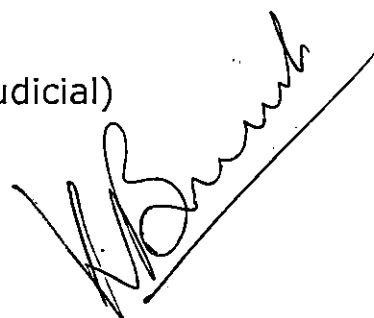
1. The Union of India through the Secretary, Ministry of Railways, Rail Bhawan, Rafi Marg, New Delhi-110001.
2. General Manager, North-Western Railway, Near Jawahar Circle, Malviya Nagar, Jaipur-302017.
3. Chief Medical Director, North-Western Railway, Near Jawahar Circle, Jaipur.
4. Senior Divisional Officer (Personnel), North-Western Railway, Jodhpur Division, Jodhpur.
5. Chief Medical Superintendant, North-Western Railway, Jodhpur.

.....Respondents

(Mr. Anupam Agarwal, counsel for the respondents)

ORDER

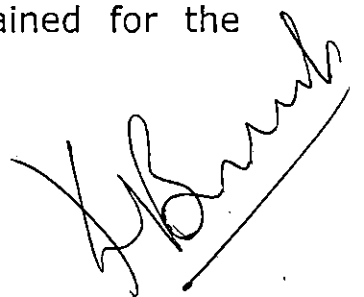
(By : Hon'ble Dr. K.B. Suresh, Member Judicial)



Heard.

2. It appears that the medical board and the appellate board held that the applicant is suffering from multiple neurofibromatosis in which no neurological deficit is seen as it is actually a skin lesion fistulae which arise along the path of the nerves and nodes. According to Grey's Anatomy it is not likely that it would have any other adverse effect other than being seen as deformity to sight, It appears as vulgar but otherwise there is no indication as to whether it is progressive if a man is adult which is the case here. Even if it is progressive, he may not win a beauty contest but will be healthy and normal.

3. We have carefully gone through the conclusion summary. Medical Board says that it is a progressive illness and in some cases it may cause intraspinal and intracranial lesion in future. Assuming that intraspinal and intracranial lesion are also possible. In these days of laser cutting and bonding there is no difficulty in cutting the lesion and throw it out. It is not even considered as a benign tumour and there is no malignancy in these kind of neurofibromatosis and there is no neurological effect at all. It appears to us, after examining the matter in great detail that life and livelihood of the applicant had been restrained for the reason of cosmetic acceptability.

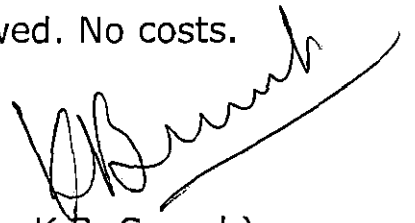
A handwritten signature in black ink, appearing to be 'H. B. Smith', written over a horizontal line.

4. It is seen to be that applicant cannot be put on ramp as a fashion model, the purpose of government employment is not for that. Therefore, we direct the Railways to consider him for appointment and if there is no other negative issues are pending against the applicant, respondent shall give applicant appointment within the two months from the date of receipt of this order.

5. Therefore, Original Application is allowed. No costs.



(Ms. Meenakshi Hooja)
Administrative Member



(Dr. K.B. Suresh)
Judicial Member

Vv