

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. CP. 1/99

OF 199

04.17/95

Applicant(s) Laadhar Uddi.

Respondent(s) Rajendra Nath

Advocate for Applicant(s) Mr. M. Chaadar
Mrs. N.D. Goswami.

Advocate for Respondent(s) Mr. J.L. Sarkar, by Advocate

Notes of the Registry	Date	Order of the Tribunal
This contempt petition is filed by Mrs.N.D.Goswami, Applicant advocate with a prayer for non-compliance of Judgment Order dtd.12.6.98 passed in C.A.170/95 wilful & deliberation violation of order, of the Hon'ble Tribunal dtd.12.6.98.	11.1.99	Present : Hon'ble Justice Sri D.N.Baruah, Vice-Chairman and Hon'ble Sri G.L.Sanglyine, Administrative Member. Issue notice to show cause as to why a contempt proceeding shall not be drawn up against the alleged contemner. Returnable by four weeks. List on 10.2.99 for show cause and further orders.
Laid for favour of orders. <i>Signature</i> Section Officer <i>Signature</i> 21-1-99	13.1.99 pg	6 Member <i>Signature</i> Vice-Chairman
Service of notice prepared and sent to D. Section for issuing of the same to the respondent through Regd. post A.D. <i>Signature</i> 21-1-99	10.2.99	Two weeks time allowed for filing of written objection on the prayer of Mr J.L. Sarkar, learned Railwayb Counsel. Fix it on 26.2.99. <i>Signature</i> Member <i>Signature</i> Vice-Chairman

(2)

C.P. 1/99

Notes of the Registry	Date	Order of the Tribunal
Notices issued to The Respondents Vide D.No-170,171 dt- 25-1-99.	26.2.99	One week time allowed for filing of rejoinder on the prayer of Mr M.Chan- da, learned counsel for the petitioner. List on 15.3.99 for order.
<i>25/1/99</i>		<i>6</i> Member
<u>9-2-99</u>	pg	
1) Service reports are still awaited. 2) Show cause why not sum bld.	31.3.99	Two weeks time allowed on the prayer of Mr M.Chanda, learned counsel for the petitioner. List on 21.4.99 for order.
<i>9/2/99</i>		<i>6</i> Member
<u>9.2.99</u>	pg	
Bankalakshmi Harbor ltd v. the Contemnor No.1,2.	11.4.99	
<i>17.2.99</i>		
Mr. J. L. Sarkar, Rly Advocate written Statement has been filed by on behalf of Contemnor R-2.	21.4.99	One week time allowed on the prayer of Mr. M. Chanda, learned counsel for the petitioner to obtain instructions. Fix it on 17.5.99.
<i>17.2.99</i>		<i>6</i> Member
<u>25.3.99</u>	nkm	
1) Notice duly served on R. No-1 & 2. 2) Wts filed on behalf of the Respondents.	22/4/99	
<i>25.3.99</i>		<i>6</i> Member
<u>25.3.99</u>		
Rejoinder Harbor filed by the applicant for alleged Contemnor 2.		

(3)

CP. 1/99 (SA 170/95)

Notes of the Registry	Date	Order of the Tribunal
<u>30-3-99</u> There was a Circuit sitting at Imperial on 15-3-99 to 17-3-99. As it was not placed before the Court. SR 24/3	17-5-99	On the prayer of Mr.J.L.Sarkar learned counsel for the respondents case is adjourned to 1-6-99. Mr.M.Chanda-99 learned counsel for the applicant has no objection. List on 1-6-99 for orders. 6 Member
<u>20-4-99</u> Written statement & rejoinder has been filed.	1-6-99 1m 3/6/99	Two weeks time is allowed on the prayer of Mr.M.Chanda, learned counsel for the petitioner. List on 6-7-99 for orders. 6 Member
<u>31-5-99</u> Written statement and rejoinder has been filed.	6.7.99 1m 3/7/99	On the prayer of Mr J.L.Sarkar, learned counsel for the alleged contemnor the case is adjourned to 19.8.99. 6 Member
<u>2.6.99</u> The Contemnor has been filed for the Rejoinder.	19.8.99 1m 3/8/99	There was a reference adjourned to 4.10.99. 6 Member
<u>18-8-99</u> The case is ready for hearing.	4.10.99 1m 3/10/99	Initiate contempt proceeding. Objection has been filed. Rejoinder has also been filed. List on 8.11.99 for hearing. 6 Member
<u>25-11-99</u> The case is ready for hearing.	8.11.99 1m 3/12/99	There was a reference adjourned to 26.11.99. 6 Member

Notes of the Registry	Date	Order of the Tribunal
17-12-99 The case is ready for hearing.	26-11-99 pg	On the prayer of Mr. M. Chanda learned counsel for the applicant case is adjourned to 20.12.99. Member Vice-Chairman
17/12	20.12.99 pg	On the prayer of Mr S. Sarma on behalf of Mr J.L. Sarkar, learned Railway counsel the case is adjourned to 31.1.2000 for hearing. Member Vice-Chairman
	31.1.2000 nkm	On the prayer of Mr J.L. Sarkar, learned Railway Counsel the case is adjourned till 7.2.2000. Member Vice-Chairman
	7.2.00 trd	Let this case be listed on 14.2.2000. Member Vice-Chairman
24-2-00 The case is ready for hearing.	14.2.00 18.2.00 25.2.00 28.2.00	4/0. adj. 1-18.2.00 3/0 4/0. adj. 1-25.2.00 3/0 4/0. adj. 1-28-2-00 3/0 There is a adjourn. adj. to 21.3.00 3/0 3/0

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Notes of the Registry	Date	Order of the Tribunal
The case is ready for hearing. 29/3/2000	21.3.2000 pg	NO & Division Bench is available today. Mr M.Chanda, learned counsel for the petitioner prays that this case may be taken up early. List on 6.4.2000 for hearing. 60 Member
	6.4.00 nkm	NO Division Bench is available today. List for hearing on 16.5.00. 60 Member
	16.5.00	There is no D.B. adjourned to 25.7.00. 15/7/00
	25.7.00	There is no Bench. adjourned to 15.11.00. 15/11/00
8.3.2001	15.11.	No D.B. Adjourned to 12.3.2001. By A.R. Jain (5711)
Additional Rejoinder has been submitted by the applicant.	22.3.01 1m	On the ground of illness of Mr.M.Chanda learned counsel for the applicant case is adjourned to 29.3.01 for hearing. 16/3/01 Member Vice-Chairman
	29.3.01 pg	Adjourned to 29.5.01 on the ^{made on behalf of} prayer of Mr J.L.Sarkar, Railway counsel. 16/3/01 Member Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

9.5.

List for hearing
re-list again on 21/5/2001

Mr

AKR

9.5

I.T. S. Law
 Reply to the
 Rejoinder filed by
 the applicant.

21.5.01

List on 26.6.01 for hearing.

K C Chakraborty

Member

Vice-Chairman

bb

26.6.01

After we heard Mr M.Chanda, learned counsel for the applicant and Mr J.L. Sarkar, learned counsel for the respondents, in our opinion of the medical reports pertaining to the visually handicapped Sri Ujjal Kr. Adhikari and Kela Rani Das, who are shown as selected candidates with Roll No. 6 and 198 respectively shall be produced before this Tribunal by the respondents on the next date of hearing. It has also been pointed out to us that the applicant Chandan Ukil was required to appear for further medical examination in Shankardev Nethralaya, Guwahati so that he may be examined on the basis of Electro Psychological test for correct assessment of his range of vision. Mr Sarkar has placed before us a letter dated 10.2.2000 by which the applicant was to appear before the Nethralaya for medical check up. It is stated that the applicant failed to appear. We think it proper to give him one more opportunity to appear for medical check up. The date of medical check up shall be fixed by the respondents through the Medical Director, Sankardev Nethralaya and shall be communicated to Mr Chanda in writing. The date should be such so as to give 15 days ^{clear} time to Mr Chanda, learned counsel for the applicant, to inform ^{the applicant} List for hearing on 2.8.2001.

K C Chakraborty

Member

Vice-Chairman

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X

Notes of the Registry	Date	Order of the Tribunal
	2.8.01	List on 22.8.01 to enable the various parties to obtain necessary instructions.
<u>21. 8.2001</u>	1m	I.C.Usha Member
<u>for additional affidavit has been submitted by the petitioner.</u>	22.8.01	List on 30/8/01 for hearing.
	mb	I.C.Usha Member
<u>18. 9.2001</u>	30.8.01	Heard Mr. M.Chanda, learned counsel for the applicant and also Mr. J.L.Sarkar, learned counsel for the respondents(Contemper). It has been stated that the order of this tribunal in O.A. 170/95 has been implemented. Therefore, this Contempt proceeding stands dropped.
<u>LC</u>	mb	Vice-Chairman

Central Administrative Tribunal
Guwahati Bench

4/ B.M.
4.1.99

Guwahati Bench
Guwahati

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

C.O.P. NO. 1/99 ~~198~~
in O.A. No. 170/95

In the matter of :

An application under Section 17
of the Administrative Tribunals
Act, 1985 for initiation of a
proceeding of contempt of Court
for wilful and deliberate vio-
lation of the order of the Hon'ble
Tribunal dated 12.2.98 passed
in O.A. No. 170/95 ;

-And-

In the matter of :

Shri Chandan Ukil
S/o. Shri Birendra Chandra Ukil
Resident of Shibendra Narayan Road
P.O. & Dist. Cooch Behar

(West Bengal)

.... Petitioner
Applicant

-Versus-

1. Shri Rajendra Nath
General Manager, N.F. Railway,
Maligaon, Guwahati-11.
2. Shri P. Murughan
Chief Personnel Officer,

Filed by
M. Chandra
28/12/98

N.F. Railway, Maligaon,

Guwahati - 11.

..... Contmner
Respondents.

The application of the abovenamed
petitioner-

Most Respectfully Sheweths :

1. That the petitioner as applicant approached this Hon'ble Tribunal in O.A. No. 170/95, challenging the action of the contemner/respondent in not appointing him in the post of Clerk as a physically handicapped person of visual deformity. This Hon'ble Tribunal, however, upon hearing the parites had been pleased to disposed of the application with a direction upon the Respondents therein to pass reasoned order after ascertaining the deformity of the applicant/petitioner from a medical expert within a period of three months from the date of receipt of the order. The said order was passed on 12.2.98.

A copy of the aforesaid order dated 12.2.98 is annexed herewith as Annexure - 1.

2. That the case of the petitioner was further that after his selection he was firstly examined by the Railway Authorities on 30.4.91 which was followed by a second round of medical examination done by the District Medical Officer, Cooch Behar w.e.f. 21.8.91 to 29.8.91

following the instruction of Chief Personnel Officer, N.F. Railway, Maligaon. Thereafter, the petitioner was once again required to undergo medical examination on 24.9.93 and on that occasion the examination was done by the Chief Hospital Superintendant, N.F. Railway, Maligaon. But, even thereafter the petitioner was not given appointment although he was examined on three different occasions. It may be pertinent to mention that on all those occasions the medical authorities reported in favour of the applicant certifying his degree of disability. The applicant thereafter approached this Hon'ble Tribunal through O.A. No. 170/95.

3. That the petitioner, however, after receipt of the copy of the order dated 12.2.98 passed in O.A. No. 170/95 approached the contemners and submitted a copy of the said order dated 12.2.98. The contemners, thereafter arranged a Medical Board for medical examination of the petitioner and informed the petitioner about the same vide letter dated 23.3.98. Accordingly, the petitioner was examined, on 20.5.98 by the Medical Board so constituted by the Railway Authorities.

A copy of the aforesaid letter dated 23.3.98 is annexed herewith as Annexure -2.

4. That the petitioner states that after his medical examination on 20.5.98 more than 7(seven) months have elapsed but the Contemner authorities have neither communicated the report of the Medical Board

to him nor have taken any steps for his appointment. It is further stated that the authorities have not acted upon the report of the Medical Board and consequently have not passed any reasoned order as per direction of this Hon'ble Court thereby flouting the order deliberately and wilfully.

5. That the petitioner begs to submit that from the action/inaction of the contemners it is apparently clear that they have violated the order of the Hon'ble Tribunal deliberately and wilfully thereby making them liable to face appropriate proceeding for contempt of the Tribunal's order dated 12.2.98.

6. That the petitioner submits that this is a fit case wherein this Hon'ble Tribunal may invoke and exercise its jurisdiction to draw an appropriate proceeding of contempt against the contemners and accordingly punish them as per provision of law.

7. That this application is filed bonafide and in the interest of justice.

Upon the premises aforesaid it is thus humbly prayed that your Lordships may be pleased to admit this application, issue notice upon the contemners and draw a proceeding

of contempt against them for
deliberately and wilfully viola-
ting the order of this Hon'ble
Tribunal dated 12.2.98 passed
in O.A. No. 170/95 and cause or
causes being shown and upon
hearing the parties be pleased
to punsih the contemmers as per
provision of law.

And for this, the petitioner shall ever pray.

Affidavit6/

A F F I D A V I T

I, Shriji Chandan Ukil, son of Shri Birendra -

Chandra Ukil, resident of Shibendra Narayan Road, P.O.
& Dist. Cooch Behar, West Bengal, do hereby solemnly affirm
and say as follows :-

1. That I am the petitioner in the instant case and as such acquainted with the facts and circumstances thereof.
2. That the statements made in this affidavit and paragraphs 1, 2, 3 and 4 of the accompanying petition are true to my knowledge and rest are my humble submissions before this Hon'ble Tribunal.

And I sign this on this 28th day of January,
1998 at Guwahati.

Chandan Ukil.

Identified by

S. Soma
Advocate.

Deponent.

Solemnly affirmed and declared
before me by the deponent who
is identified by S. Soma, Advocate

*Advocate (Neera Dutt)
Advocate (Neera Dutt)*

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Draft Charge

Laid before this Hon'ble Tribunal for drawing a proceeding of contempt of Court against the contemners for deliberately and wilfully violating the order of this Hon'ble Tribunal dated 12.2.98 passed in O.A. No. 170/95 whereby the contemners were directed to pass reasoned orders after ascertaining the deformity of the applicant/petitioner from medical experts.

Annexure I

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 170 of 1995.

Date of Order : This the 12th Day of February, 1998.

Justice Shri D.N. Baruah, Vice-Chairman.

Shri G.L. Sanglyine, Administrative Member.

Shri Chandan Ukil
son of Shri Birendra Chandra Ukil
residing at Sibendra Narayan Road, (East)
North Side of Junicr R.T. College,
Dist. Cooch Behar (West Bengal) Applicant.

By Advocate Shri P.K. Tiwari.

- Versus -

1. Union of India
through the Secretary,
Ministry of Railways, Rail Bhawan,
New Delhi.
2. The General Manager,
N.F.Railway, Maligaon,
Guwahati-11.
3. The Chief Personnel Officer,
(Recruitment Section), N.F.Railway,
Maligaon, Guwahati-11.
4. The Employment Officer,
District Employment Exchange,
Government of West Bengal,
Cooch Behar, West Bengal.
5. The Superintendent,
M.J.N. Hospital,
Cooch Behar.

Visually
impaired

. . . Respondents.

By Advocate Shri J.L. Sarkar, Railway
standing counsel.

O R D E R

BARUAH J. (V. C)

This application has been filed by the applicant
praying inter alia for a direction to the respondents to
appoint him as a physically handicapped person. He is a
handicapped person of visual deformity. The claim of the
applicant was turned down by the Railway administration.

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on the grounds stated in Annexure R1 circular annexed to the reply of the Railway administration. The applicant was not covered by the said circular and therefore he was not entitled to the benefits of physically handicapped person. Against that a representation was submitted by the applicant to the Railway Minister. However, there was no reply to that representation. The contention of the applicant that the Railway administration unreasonably denied the claim of the applicant even though he came very much within the provisions of the Annexure R1 circular to the reply of the respondents. We have perused the Annexure R1 circular and so far the definition is concerned the Blind is described as follows :

"The blind are those who suffer from either of the following conditions:-

- (a) Total absence of sight;
- (b) Visual acuity not exceeding 6/60 or 20/200 (Snellen in the better eye with correcting lenses);
- (c) Limitation of the field of vision subtending an angle of 20 degrees or worse."

2. We have heard Mr P.K.Tiwari, learned counsel appearing on behalf of the applicant and Mr J.L.Sarkar, learned Railway standing counsel for the respondents. From the definition of blindness as per Annexure R1 to the written statement only a medical expert can ascertain about the visual acuity 6/60 or 20/200 (Snellen). Under the circumstances, we dispose of this application with a direction to the respondents to pass a reasoned order after ascertaining from a medical expert. The respondents shall allow the applicant to personally appear at the time of consideration of the matter if so advised. This must be done within 3 months from the date

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of receipt copy of this order. If the applicant is still aggrieved he may approach this Tribunal.

Considering the entire facts and circumstances of the case however, we make no order as to costs.

Sd/VICECHAIRMAN

Sd/MEMBER (A)

Signature

no summae
23/2/98

23/2

2.2.98
23.8.98

✓ 1 shall

be a court note

or
less 6/60

20/2/00

(Snellen in the bell's
eye with corner less)

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Annexure - 2
N.F.RAILWAY

Office of the
General Manager (P)
Maligaon, Guwahati - 11

No. E/227/Pre-Medical/ST(11)

dated 23-3-98

To

Shri Chandan Ukil,
(Now at office)

Sub:- Medical Examination

Ref:- this office letter No. E/227/Pre-Medical/
ST(11) dt. 23.3.98.

.....

You were directed to deposit a sum of Rs.24/- for
medical examination vide this ~~last~~ office letter under
reference which may please be treated cancelled as it is
not required to be done.

Q 2/50
for General Manager (P)

Copy to - Chief Cashier/N.F.Rly./MLG
APO/Legal Cell /MLG

for information and
 necessary action please.

for General Manager (P)

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Appendix 2

NORTH EAST FRONTIER RAILWAY

Office of the
General Manager (P)
Maligaon, Guwahati - 11

No. E/227/220(Recd) Pt. III (11) Dated 23rd March '98

To

CMD/N.F.Rly/M.G.

Sub:- Medical Examination of
Shri Chandan Ukil
as per direction of CAT
in OA No. 170/95, by an expert.

A copy of CAT's order in this connection is sent herewith for kind perusal and arranging medical examination of Shri Chandan Ukil by expert doctor as per the direction of CAT. The report of the medical expert in this case obtained may kindly be sent to this office for further necessary action.

This may kindly be done at the earliest treating this as urgent.

DA: As above.

For General Manager (P)

Copy to 1) Shri Chandan Ukil, (now at office) -
He is requested to report to CMD for
further advice in regard to ~~date~~ the
date fixed for medical check up etc.
2) APO/Leg/cell

C. D. M. (S. S. S. S. S.)
For General Manager (P)

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P.W.D.
17/2/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

REPLY TO G. C. P. NO. 1 OF 1999

(Arising out of O.A. No. 170 of 1995)

20
File by J.L. Samanta
Advocate
on behalf of Shri P. Munjan
alp. 1 Contm. no. 2
16/2/99.

B E T W E E N

SHRI CHANDAN UKIL ... APPLICANT

: V E R S U S :

UNION OF INDIA AND OTHERS RESPONDENTS.

I N D E X

<u>Particulars of the Papers</u>	<u>Pages</u>
1. Parawise reply to the application for contempt. ...	1 to 6
2. Annexures R-I, R-II ...	8 & 9

Reply made on behalf of the respondents - ^{alleged} contemners to the alleged fact made out in the contempt application No. 1 of 1999 arising out of OA No. 170 of 1995 before Hon'ble Central Administrative Tribunal/Guahati in the matter of Chandan Ukil -Vs- UOI & Ors.

[Signature]
C. P. O., Northeast Frontier Railway
Northeast Frontier Railway
Guahati-11

1. The undersigned is the Chief Personnel Officer, Northeast Frontier Railway, Maligaon, Guahati-11 (herein after referred to as the undersigned) having his office at Maligaon and he is duly authorised to make this reply on behalf of the respondents - ^{alleged} contemners.
2. The undersigned has read a copy of the application for contempt including a copy of the annexures thereto made on behalf of Sri Chandan Ukil, the application which was numbered as CCP 1 of 1999 (arising out of OA No. 170 of 1995) before the Hon'ble Tribunal and the undersigned has understood the contents and purport thereof.
3. The undersigned has been advised to traverse and/or dealt with only those allegations and/or a statement made in the said application for contempt that are material for present purpose.
4. The undersigned is a Senior Officer in the Indian Railway and holding a responsible position of head of department. The undersigned has undoubtedly high regards for the Hon'ble Tribunal and respects the direction of Tribunal for faithful implementation.

Duty bound, the undersigned has no reservation for implementation of the directions of the Hon'ble Tribunal whatsoever and there is no room of alleged wilful disrespect and disobedience of the order. The undersigned further submits that, in case in the opinion of Hon'ble Tribunal if there is any failure or any incorrect implementation of the direction of the Hon'ble Tribunal, the undersigned submits unconditional apology and it may not be taken as wilful disrespect and disobedience and the undersigned further submits that he shall be bound to implement further directions of the Hon'ble Tribunal, if any.

5. The undersigned submits that for the correct appreciation of the back ground of the case and also for placing the full fact, before this Honourable Tribunal the case in brief is explained herein after.

In order to employ Physically handicapped persons against 28 posts of Office Clerk/Commercial Clerk etc. in scale Rs.950-1500/- (RP) and Rs.975-1540/- (RP) in this Railway a requisition was placed on Employment Exchange/Special Employment and Vocational Rehabilitation Centre to sponsor Handicapped candidates. There are 3 Categories of Physically handicapped - hearing, visual and orthopedic. The name of Sri Chandan Ukil was sponsored by Employment Exchange Cooch Behar alongwith others. The panel for the Physically Handicapped persons was published on 18-6-91 and Sri Chandan Ukil found his place

Contd....

(3)

in it as a physically handicapped person on visual deformity.

On a complaint lodged by one Sri Nares Das on the genuineness of certificate produced by Sri Ukil as Physically handicapped the Vigilance organisation of this Railway enquired into the matter. The appointment of Sri Ukil was therefore withheld inspite he was empanelled.

The applicant Sri Ukil represented the matter to Sri Ajit Kumar Panja Hon'ble Union Minister Information and Broadcasting, Govt. of India, New Delhi. Railway Board took up the matter and advised this Railway that the candidate be examined by Medical Board duly constituted by this Railway. According to the advise of the Railway Board the applicant was examined by a Medical Board at Central Hospital, Maligaon on 24-9-93. The opinion of the Medical Board was as under :-

① "Sri Chandan Ukil is blind in his left eye.

There is no perception of light in the left eye. But his right eye is normal and he has visual acuity of 6/24 or it may be more. In terms of Railway Board's instruction circulated vide their letter No.E(NG) III-77/ECI/54 dated 8.1.78, Shri Chandan Ukil does not belong to the physically handicapped quota (Blind) as his right eye is normal and has a visual acuity of 6/24."

Aggrieved with the Board's decision the applicant approached Hon'ble Central Administrative Tribunal, Calcutta and filed an application bearing OA No.716 of 1994. By order dt. 19.7.95 Hon'ble Central Administrative Tribunal/Calcutta Bench has returned this application to

contd..

the applicant to be presented at the Bench for want of jurisdiction. The applicant again filed the application before Hon'ble CAT/Guwahati bearing No.170 of 1995.

Hon'ble CAT/Guwahati vide their order/judgement dt. 12.2.98 directed the Railway to pass a reasoned order after ascertaining from a medical expert the blindness of the applicant for consideration of his case. Accordingly the applicant was directed to the Chief Medical Director, Northeast Frontier Railway, Maligaon. So as to comply with the order the applicant was thereafter examined by an Ophthalmologist and his report was not leading to any conclusion by the Chief Medical Director. He therefore referred the case to Medical Board at Central Hospital Maligaon comprising of 3 Medical experts including one eye specialist. The Medical Board examined the applicant on 7.1.99 at Central Hospital, Maligaon with the following comments. Opinion of the Medical Board was blind of left eye with doubtful range of vision of right eye which will require Electro Psychological test for confirmation. In order to come to a decisive conclusion Sri Chandan Ukil is required to be sent to AIIMS, New Delhi to establish the degree of visual loss over left eye and to obtain their opinion.

6. The statement made in paragraph (1) of the said contempt application is a matter of records.

(5)

7. In reply to Paragraph 2 of the said contempt application the undersigned states that in accordance with the instructions of Railway Board the applicant was examined by a Medical Board at Central Hospital, Maligaon on 24-9-93. The said Medical Board opined that the applicant does not belong to the Physically handicapped in terms of Railway Board's instructions for appointment of Physically Handicapped under Board's letter No.E(NG)III-77/RCI/54 dt. 8.1.78.

8. In reply to Paragraph (3) of the said application it is not correct that the applicant was sent to Medical Board. The applicant was directed to Chief Medical Director, Northeast Frontier Railway, Maligaon for compliance of the direction of the Hon'ble Tribunal. A copy of the letter is annexed as annexure R-I.

9. In reply to Paragraph (4) of the said contempt application the undersigned states that the report of medical examination by a Medical ~~not~~ expert was not leading for a conclusion by the Chief Medical Director who is the head of the medical department. He then constituted a Medical Board and the Board examined the applicant on 7.1.99 at Central Hospital Maligaon.

Based on the report of the Committee's report the Chief Medical Director has observed that opinion of the Medical Board was Blindness of Left Eye with doubtful range of vision Right Eye which will require Electro Physiological test for confirmation.

contd...

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(6)

[Signature]
Chief Personnel Officer
North East Frontier Railway
Gazipur - 781 811.

The Chief Medical Director further decided that in order to come to a decisive conclusion Sri Chandan Ukil should be sent AIIMS/New Delhi to establish the degree of visual loss over Right Eye and to obtain their opinion. The letter of the Chief Medical Director is placed as Annexure R-II.

10. In reply to Paragraph 5, 6, 7 of the said contempt application the undersigned states that at no stage the undersigned had any intention to float the directives of the Hon'ble Tribunal. However if any omission or commission has occurred at any stage the undersigned pray before the Hon'ble Tribunal un-conditional apology and the same may be condoned by the Hon'ble Tribunal.

VERIFICATION

I, PIRAMANAYAGAM MURUGAN son of
Mr. K.M. PIRAMANAYAGAM aged about 58 years,
working as chief Personnel officer. Northeast
Frontier Railway, Maligaon, having my office at General
Manager (Personnel)'s office, N.F.Railway, Maligaon,
Guwahati-11, Assam, do hereby verify that the statements
made in paragraphs 1 to 4 ^{and} 10 hereinabove are true to my
knowledge and these contained in paragraphs 5 to 9
hereof are true to my information derived from records
of the case which I verily believe to be true and rest
paragraph is my humble submissions before the Hon'ble
Tribunal.

Place : Maligaon

Date : 10.2.99

(Name :

Designation :


Chief Personnel Officer
Northeast Frontier Railway
Guwahati-781 011.

On behalf of the Respondents

To
The Registrar,
Central Administrative Tribunal
Guwahati Bench, Guwahati.

EX FAXNORTHEAST FRONTIER RAILWAY

No. E/170/Legal Cell/318/94

Office of the
General Manager(P)
Malignon:Guwahati-11

Dt.: 18-5-98

To

Sri Chandan Ukil
 S/o- Sri Birendra Ch. Ukil
 Sibendra Narayan Road
 North Side of B.T. College.
 Dist: Cooch Behar(WEST BENGAL).

Sub:- Medical examination on 20.5.98

A Medical examination by medical expert is
 arranged to examine you on 20-5-98 as per Hon'ble
 Central Administrative Tribunal's order dt. 12-2-98
 in OA No.175/95.

As such you are advised to report to the
 office of the CND on 20-5-98 at 10-00 hrs positively.

(APO/Legal Cell)
 for General Manager(P)/Malignon.

Copy to:

DEM(P)/APDJ - He is requested to depute one Welfare
 Inspector to the address mentioned above
 and intimate Sri Ukil to attend for the
 above medical examination on
 positively.

18/5/98
 for General Manager(P)/MLG.

Received 1/5/98
 Chirantan K. Das

20/5/98

Sri ukil attended to day (20-5-98)
 he is directed to Dr D.K.Das
 central Hospital M.G.C as per v/ordre
 of C.M.D

Bairu 20/5/98 APO/LC

(9)

Annexure- R-II

N. F. Railway.

21

CONFIDENTIAL.Office of the
Chief Medical Director,
Maligaon.

29

No. HM/Med. Board (Loose).

Dated 8.2.1999.

To
The Chief Personnel Officer,
N.F.Railway, Maligaon.Sub: Medical Board in favour of Sri Chandan
Ukil.Ref: Your L/No.E/NF/26/CPO/CON/CORR
dated 5.2.99.

In reference to the above, Shri Chandan Ukil an applicant in N.F.Railway against physically handicapped quota was subjected to Medical Examination and the report of Medical Examination was inconclusive and accordingly Medical Board was constituted with the following Medical Officers. The Medical Board held on 7.1.99 at Central Hospital, Maligaon:-

1. Dr. D. K. Das - CD/CH/MLG - Chairman.
2. Dr. N. N. Barua - Sr.DMO/Admn./CH/MLG as Member.
3. Dr. B. R. Deka - Sr.DMO/Eye/CH/MLG as Member.

Physical findings :-Local examination of eyes -

Rt.Eye	- Cornea -Clear	Lt.Eye	- Cornea Opacity
	Lens -Clear		-Pupils -Const- -stricted.
	Vitreous -Clear		-Reaction to light - Nil.
			-Lens -Cataract- -ous.
			-Perception of light - Nil.
			IOP - 14.6 mm of Hg.

Vision - 6/60 which is not improved even after the exam. distance is reduced to 2 mts. Patient's vision is 6/60 after putting +13D -13DSP lens. IOP - 14.6 mm of Hg.

Ophthalmic Exam. - Fundus -Normal

Funds = Cannot be seen due to haziness of media.

Opinion of the Medical Board was Blindness of Lt.Eye with doubtful range of vision Rt.Eye which will require Electro Physiological test for confirmation. So to come to a decisive conclusion Sri Chandan Ukil should be sent AIIMS/NDLS to establish the degree of visual loss over Rt.Eye and to obtain their opinion.

(Dr. G. C. Raju)
Chief Medical Director,
N. F. Railway, Maligaon.

25
22
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Contempt Petition No. 1 of 1999
arisen out of O.A. No. 170/95
Sri Chandan Ukil

-versus-

Union of India & Ors.

-And-

In the matter of

Rejoinder submitted by the petitioner
to the show cause reply submitted by
the alleged contemner No.2.

The above named petitioner most humbly and
respectfully begs to state as under :

1. That with regard to the statement made in paragraphs
4,5 of the reply to the show cause by the alleged contemner
No.2, the petitioner begs to state that the Judgement and
Order passed by the Hon'ble Tribunal dt. 17.2.98 in O.A.
No. 170 of 1995 has not been implemented in terms of the
direction of the Hon'ble Tribunal contained therein
rather an attempt is made by the alleged contemners to
avoid the implementation of the order in its true spirit
and letter as such the medical examination conducted on
20.5.98 in pursuance of the Hon'ble Tribunal's order
dated 17.2.98 passed in O.A. No. 170/95. But the result
of such medical examination which was conducted on 20.5.98
was not deliberately communicated to the contempt petitioner
as per the direction contained in the said judgement.

Contd...

90
Filed by the applicant
through M. Chanda, Advocate
On 23.3.95

Most surprisingly the alleged contemners without communicating the result of the medical examination held on 20.5.98 by expert Railway Doctor in terms of the direction made by the Hon'ble Tribunal in its judgement and order dated 17.2.98 took an arbitrary decision to conduct a further medical examination in respect ~~xxx~~ of the contempt petitioner in order to ascertain whether he falls within the category of handicapped as claimed by the contempt petitioner. It may be presumed from the conduct of the contemners that the medical examination report which was held on 20.5.98 might have gone in favour of the contempt petitioner. Therefore the alleged contemners did not communicate the result of such medical examination and with a view of intention to harass the present contempt petitioner and arbitrarily decided to conduct a further medical examination and accordingly the alleged contemners particularly contemner No.1 vide his letter bearing No. E/227/220 (Rectt) Pt III dated 04.01.99 directed the present contempt petitioner to report for further medical examination on 5.1.99 at 09-30 A.M. to Medical Director, Maligaon. The contempt petitioner finding no other alternative and in the compelling circumstances again appeared before the Medical Director on 5.1.99 for further medical examination and accordingly a medical examination was conducted on 5.1.99 by the Railway Authority.

It is pertinent to mention here that there was no scope for the Railway Authority to conduct the 2nd medical examination in total violation of the order of the Hon'ble Tribunal that too without taking any permission from the Hon'ble Tribunal. It is also relevant to mention here that the result of the medical examination held on 20.5.1998

also not communicated to the present contempt petitioner therefore it is not known whether the contempt petitioner was declared fit or not by the expert medical authority who conducted the medical examination on 20.5.98. However, it may be presumed that the medical examination report which was held on 20.5.98 might have gone in favour of the contempt petitioner. Therefore the Hon'ble Tribunal be pleased to direct the alleged contemners to produce the report of the medical examination which was held on 20.5.98 in terms of the direction of this Hon'ble Tribunal passed in O.A. No. 170/95 dated 17.2.98 and if the applicant is found fit as per the medical examination report held on 20.5.98 in that event the Hon'ble Tribunal be pleased to direct the alleged contemners to issue necessary order of appointment or further be pleased to act in accordance with the direction passed in the Original Application No. 170/95. It is stated that the Railway authority had no scope or jurisdiction to conduct further medical examination on the same issue but the respondents/railway authority conducted the medical examination on 5.1.99 with an ulterior motive to frustrate the claim of the present contempt petitioner for appointment to the post of Commercial Clerk/Office Clerk in spite of the Hon'ble Tribunal's order/direction passed in O.A. 170/95.

It is also relevant to mention here that the opinion of the medical board examination held on 24.4.93 was never communicated to the present contempt petitioner and after waiting for about two years the contempt petitioner did not find any response from the Railway Authority approached the Hon'ble Tribunal in a compelling circumstances. Therefore it is not correct that the contempt petitioner aggrieved with

the decision of medical examination held on 24.9.93 approached the Hon'ble Tribunal, rather the Contempt Petitioner approached the Hon'ble Tribunal as he was not intimated nay decision of the medical examination held on 24.9.93 that too after a lapse of two years the contempt petitioner approached the Hon'ble Tribunal by way of filing the Original Application No. 170 of 1995.

It is further stated that since there was no scope for the alleged contemnors to conduct the further medical examination, therefore the question of further examination of the contempt petitioner in the All India Institute of Medical Science, New Delhi does not arise and the railway authorities are binding to act upon the medical examination report which was held on 20.5.98.

2. The contempt petitioner categorically denies the statement made in paragraphs 7,8,9.10 of the ruply and further begs to state that the medical examination was conducted by the alleged contemner on 20.5.98 in pursuance of the direction of the Hon'ble Tribunal passed in O.A. No. 170/95. It is surprising that there is no mention in the reply regarding the examination conducted in respect of the contempt petitioner on 20.5.98. Therefore the Hon'ble Tribunal be pleased to direct the alleged contemnors to produce the medical report of the examination held on 20.5.98 before the Hon'ble Tribunal. It is pertinent to mention here that the contempt petitioner although appeared before the further medical examination held on 5.1.99 with a written objection addressed to the General Manager, N.F.Railway, Maligaon.

A copy of the letter dated 4.1.99 is annexed hereto for kind perusal of the Hon'ble Tribunal as Annexure-1.

In view of the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate the contempt proceeding against the ~~contem~~ alleged ~~contem~~pters and the alleged contemners are liable to be punished in accordance with law.

VERIFICATION

I, Shri Chandan Ukil, son of Shri Birendra Chandra Ukil, resident of Shibendra Narayan Road, P.O. & District Cooch Behar, West Bengal, do hereby verify the statements made in paragraphs 1 & 2 of this rejoinder and declare that these statements are true to my knowledge and rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this the 23rd day of March, 1999.

Chandan Ukil.

Signature

N.F. Railway.

Office of the
General Manager (P)
Maligaon, Guwahati-11.

No. E/227/220(Recrt) Pt.III

Dt: 04.01.99

To
Shri Chandan Ukil
(at office)

Sub:- Medical Examination as per direction
of CAT in OA No. 170/95.

You are hereby directed to report
to MD/CH/MLG on 5.1.99 at 9.30 a.m. for your
medical examination.

CW
SPO/HQ 04/01/99
for General Manager (P)

Copy to:

- 1) MD/CH/MLG in response to his L/No. H/5/80(A) dt. 22.12.98. Shri Chandan Ukil is hereby directed for his medical examination. This refers to our previous L/ No. E/227/220(Recrt) Pt.III dt. 24.12.98.
- 2) APO/LC in reference to his L/No. E/170/LC/318/94 dt. 24.12.98.
- 3) Dy. CMD(MS) in reference to his L/No. HM/Medical Board (Loose) dt. 23.12.98.

CW
SPO/HQ
for General Manager (P)

In The Central Administrative Tribunal: Guwahati Bench.
Guwahati.

Central Administrative Tribunal
C.P. No. 1/99.

W.M. 2 JUN 1997. UKIL.

Guwahati Bench

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Guwahati Bench (A)

Reply made on behalf of the Respondents
contemner to the alleged fact made out in
the Rejoinder arising out of Contempt
application No.(1) of 1999 in OA No.170/95
before Central Administrative Tribunal,
Guwahati in the matter of Sri Chandan
Ukil -Vs- UOI & Ors.

- 1) The undersigned is the Chief Personnel Officer (Administration), N.F.Railway, Maligaon, Guwahati-11 (herein after referred to as the undersigned) having his office at Maligaon and he is well acquainted with the facts and circumstances of the case. So in absence of Sri P.Murugan Contemner/Respondent No.2 who is on leave, he is authorised to make this reply on behalf of the Respondents/contemners. In absence of Respondent No.2 undersigned is looking after the duties and responsibilities of him.
- 2) The undersigned had gone through the copy of the Rejoinder submitted by the petitioner and has understood the contents and purport thereof.
- 3) The undersigned has been advised to traverse and/or dealt with only those allegations and/or a statement made in the said rejoinder those are material for present purposes.
- 4) The undersigned is a Senior Officer in the Indian Railway and holding a responsible position of head of department. The undersigned has undoubtedly high

contd..2

30
36
(A)
Jewi Wood
(A)
Chief Medical Officer
Northeast Frontier Railway
General-781811.

(2)

regards for the Hon'ble Tribunal and respects the direction of the Tribunal for faithful implementation. Duty bound, the undersigned has no reservation for implementation of the directions of the Hon'ble Tribunal whatsoever and there is no room of alleged wilful disrespect and disobedience of the order. The undersigned further submits that, in case in the opinion of the Hon'ble Tribunal's if there is any failure or any incorrect implementation of the direction of the Hon'ble Tribunal, the undersigned submits unconditional apology and it may not be taken as wilful disrespect and disobedience and the undersigned further submits that he shall be bound to implement further directions of the Hon'ble Tribunal, if there is any.

In reply to the Paragraph (1) to the Rejoinder the undersigned stated that Chief Medical Director, Northeast Frontier Railway, Maligaon who is the head of Medical Department is the competent authority to decide whether the applicant is a physically handicapped or not. Accordingly the applicant was directed to the Chief Medical Director,

Contd..3

(3)

↓
J. M. Wagle (A)
J. M. Wagle (A)
J. M. Wagle (A)
J. M. Wagle (A)
J. M. Wagle (A)

Northeast Frontier Railway, Maligaon. So as to comply with the order the applicant was thereafter examined by a ophthalmologist on 20.5.98, but his report was not leading to any conclusion by the Chief Medical Director. A copy of the report dt. 22.5.98 is enclosed as Annexure-A. The Chief Medical Director, therefore, referred the case to the Medical Board at Central Hospital, Maligaon comprising of 3 Medical experts including one eye specialist. The Medical Board examined the applicant on 9.1.99 at Central Hospital, Maligaon. The opinion of the Medical Board was "blindness of left eye with doubtful range of right eye which will require electro-physiological test for confirmation." In order to come to a decisive conclusion Sri Chandan Ukil is required to be sent to All India Institute of Medical Science, New Delhi to establish degree of visual loss over right eye and to obtain their

Contd..4

32
 Mr. Jagdish Chandra
 Secretary
 Ministry of Social Welfare
 Government of India

(4)

opinion. Correspondences are going on in this regard with the All Indian Institute of Medical Science, New Delhi. It is pertinent to mention here that the undersigned who will be able to take decision for consideration to the appointment of Sri Ukil against physically handicapped quota only after obtaining a conclusive decision from the Medical authority i.e. the Chief Medical Director.

In reply to para 2 to the rejoinder the undersigned states that the report of Medical examination by a medical expert which was held on 20.5.98 was not leading for a decisive conclusion by the Chief Medical Director who referred the matter to the Medical Board.

In view of the above the Hon'ble Tribunal will appreciate that all efforts have been/are being rendered to comply with the judgement dt. 17.2.98 in OA No.170/95 by the undersigned sincerely and it is stated that at no stage the undersigned has any intention to float the directions of the Hon'ble Tribunal. However if any omission or commission has occurred, the undersigned pray before the Tribunal unconditional apology and the same may be condoned by the Hon'ble Tribunal.

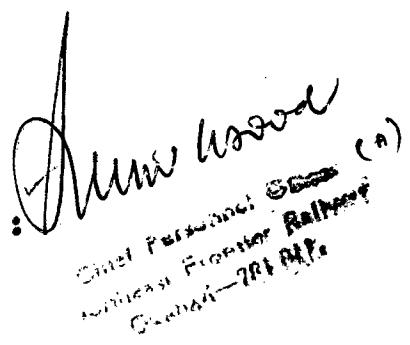
(5)

VERIFICATION

I, SUNIL KUMAR SOOD son of
 RAM KUMAR SOOD aged about 43 years,
 working as CPO (A) Northeast
 Frontier Railway, Maligaon, having my office at General
 Manager (Personnel)'s office, N.F.Railway, Maligaon,
 Guwahati-11, Assam, do hereby verify that the statements
 made in paragraphs 1 to 4 hereinabove are true to my
 knowledge and these contained in paragraphs 1 to 4
 hereof are true to my information derived from records
 of the case which I verily believe to be true and rest
 paragraph is my humble submissions before the Hon'ble
 Tribunal.

Place : Maligaon

Date : 11-5-99

(Name : 

Designation :

Civil Personnel
 Northeast Frontier Railway
 Guwahati-11
 Assam

N.F. RAILWAY.

NO.HM/219/1 Pt. V.

Office of the
CMD/MLG,
Dt. 22-5-1998.

To:

✓ GM(P)/Maligaon.

Sub:- Medical examination of Sri Chandan Ukil as per direction of CAT in OA NO.170/95 an expert.

Ref:- CM(P)/MLG's letter NO.E/227/220/
Rectt/Pt.III(ii) dt. 23-24/3/98.

In terms of your above quoted letter, the above named was examined by an expert (Opto-olmologist), Dr(MS) D.Kharmalki on 20-5-98.

Sri Ukil's vision was blind in the left eye and vision in the right eye is 4/60.

Hence in terms of Rly. Board's letter NO.E(NG)III-77/RC-1/54 dt. 8-1-1978, Sri Chandan Ukil belongs to the physically handicapped quota(blind) as on 20-5-1998.

However, it may be mentioned that Sri Chandan Ukil was examined by a Medical Board which include one Eye Specialist, (Dr. B.R.Deka) Sr.DMO/CH/MLG on 24-9-93 at Central Hospital, Maligaon as desired by Railway Board for appointment of Sri Chandan Ukil on N.F.Railway against physically handicapped quota.

During that medical examination (on 24-9-93), Sri Chandan Ukil was found blind in left eye, but right eye was normal with vision acuity of 6/24 or more and as such he was not physically handicapped (blind) as on 24-9-93 in terms of Rly. Board's letter NO.E(NG)III-77/RC-1/54 dt. 8-1-1978.

BB/22/5/98
(Dr. B. R. Dhar)
Chief Medical Director,
N.F.Rly, Maligaon.

From: J.L. Larken.
Advocate

49

CP No 1/99

Op. 170/95.

Shri C. V. Kulk

R. Patel & Am.

To

Shri M. Chanda.
Advocate

Dear Sir,

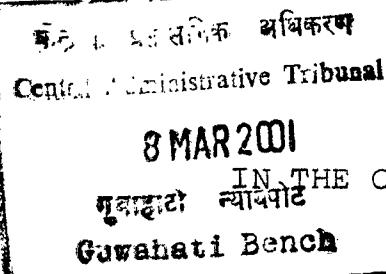
Please receive a copy of the
Reply to the rejoinder, being filed
by the alleged petitioner, for
your use.

Yours truly,

J.L. Larken

Advocate

Copy Received
Manik Chanda
Advocate
1-6-99



14
Filed by the applicant
Shri Chandan Ukil
Advocate

Contempt Petition No. 1 of 1999
in
Original Application No. 170/95
Shri Chandan Ukil

-vs-

Union of India and Others

-And-

In the matter of :

Additional Rejoinder submitted by
the Applicants

The abovenamed Petitioner most humbly and respectfully begs to state as under :

1. That it is stated that similarly situated persons who appeared for selection against handicapped quota in the said selection where the present applicant was selected, it would be evident from the select list that from Alipurduar Division I Sri Ujjwal Kumar Adhikari also selected alongwith the applicant under the quota of visually handicapped. Similarly, another candidate Smti Rekha Rani Das selected from Lumding/Tinsukia Division under visually handicapped quota, both of them have been required one eye blind but they have been appointed in Railway Service whereas the applicant in whose case the Medical Board constituted by Railway already confirmed beyond all doubts that blindness of his left eye, and regarding right eye it is stated with doubtful range to vision, more particularly as per letter

Contd...

dated 8.2.1999 issued by the Chief Medical Director, Maligaon, therefore even assuming but not admitting that there is a doubtful range of vision in the right eye found after examination by the Medical Board as stated in the letter dated 8.2.1999, then also applicant is entitled to be appointed as because, similarly situated visually Handicapped candidate Sri Ujjwal Kr. Adhikari and Smt. Rekha Rani Das where appointed by the Railways from the same select list therefore denial of appointment of the applicant is violative of Article 14 of the Constitution of India.

It is further submitted that District Medical Board initially constituted under the District Magistrate, Cooch Behar also certified that the disability of the applicant is 55% and which would be evident from the letter dated 31.8.1999 issued by the Employment Officer, District Employment Exchange, Cooch Behar to Chief Personnel Officer, Recruitment Section, Maligaon, Guwahati wherein it was requested that case of the applicant should be considered for the post of Clerk. Therefore denial of appointment of the applicant is highly arbitrary and unfair and more particularly when similarly situated candidates have been appointed by the Railways out of the same selection therefore there is no justification to deny the same benefit to the applicant.

Copy of the Select List and letter dated 31.8.1991 are annexed as Annexures-3 & 4 respectively.

2. That it is stated that General Manager (P) vide letter dated 18.5.98 informed the applicant to appear for medical examination by medical expert on 20.5.1998 as per the

Hon'ble Tribunal's order dated 12.2.1998 in O.A. No. 175/95 at 10.00 hrs. positively. The applicant accordingly appeared and the opinion of the Medical Board went in favour of the applicant which was held on 20.5.1998. The respondents being not satisfied with report again directed the applicant to report on 5.1.1999 at 09-30 hrs. for further medical examination as per direction passed in O.A. No. 170/98 vide General Manager (P) letter dated 4.1.1999. It would be evident from the correspondence dated 23.3.1998 that although the applicant was directed to deposit Rs. 24/- only for medical examination but the same has been treated as cancelled as the same was not required to be done. Therefore it appears that on different occasion different opinion is being formed by the higher authorities/respondents regarding medical examination for the purpose of recruitment under physical handicapped quota therefore it could be presumed that only in the name of medical examination the applicant is being harrased by the alleged contemners with an ulterior motive.

In the facts stated above Hon'ble Tribunal be pleased to initiate a contempt proceeding and further be pleased to impose punishment upon the alleged contemners in accordance with law.

A copy of the letter dated 18.5.98 and 4.1.1999 and 23.3.98 are annexed as Annexures-5, 6 & 7 respectively.

...Verification

- 4 -

VERIFICATION

I, Sri Chandan Ukil, son of Shri Birendra Ukil, resident of S.N. Road, P.O & District Cooch Behar, applicant in the O.A. No. 170/95 do hereby verify and declare that the statements made in paragraphs 1 to 3 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 8th day of March, 2001.

Chandan Ukil.

Signature

NORTHEAST FRONTIER RAILWAY.

No. 5/Recr/Picy, Handicapped/1991.

Dated 11.6.1991.

Written test held on ... 17.3.91
 Viva-voce test held on ... 30.4.91 & 1.5.91
 The following candidates have been selected for Group-C
 (Commercial Clerk & Office Clerk in scale is 950-1540 and
 Rs. 950-1500/- respectively) against the Handicapped quota :

A. For Katihar Division:

a) Orthopaedically handicapped:

1) Shri Pradip Prasad

Roll No.

62

b) Visually handicapped :

1) Shri Sudhir Sharma

231

B. For Alipurduar Division:

a) Hearing handicapped :

1) Shri Mridul De

82

b) Visually handicapped :

1) Shri Chandan Ujal

75

2) Shri Ujjal Kumar Adhikari

one eye
blind

6

c) Orthopaedically handicapped:

1) Smt. Basana Mallick

20

2) Shri Bikalpa Roy Choudhury

37

C. For Lumbini/Tinsukia Divisions/Hd, etc.

a) Orthopaedically handicapped:

1) Smt. Kaitiana Mhattoon —

134

2) Shri Anil Barua —

149

3) Shri Devendra Nath Thakur —

143

4) Shri Nipen Chandra Goswami —

138

5) Shri Dipak Chandra Banerjee —

60

b) Hearing handicapped:

1) Shri Sambhu Ram Deka —

216

2) Smt. Nabanita Mukherjee —

117

3) Smt. Swapna Rani Dey —

87

4) Smt. Tandra Acharya —

121

5) Shri Dipon Kumar Dutta —

116

c) Visually handicapped :

1) Smt. Kela Ram Deka —

103

2) Shri Chinmoy Bhattacharjee —

110

3) Shri Uma Kanta Nath —

102

4) Shri Dibakar Kalita —

51

contd....2.

6
29
N.F.RAILWAY

Confidential

-: 2 :-

Contd. from page No. 1:

- 5) Sari Manik Choudhury
- 6) Santi Rupa Das -
- 7) Shri Hiten Barua -
- 8) Shri Chitta Narayan Barua -

Roll No.

85

183

109

175

Sr. Personnel Officer (HQ),
N.F.Railway, Maligaon.

-7- -40- Annexure 4
Annexure 4

-X7-

Phone: 427
Prefix 03582 for STD.

GOVT. OF WEST BENGAL
DEPARTMENT OF LABOUR
DISTRICT EMPLOYMENT EXCHANGE
COOCH BEHAR-736101

No. 80/4/1/91/8/91

Date: 34.8.91.

To
The Chief Personnel Officer,
(Recruitment Section)
Maligaon, Guwahati - 781

Ref: Your no. 8/227/220 (Recrt) Pt- III, Dt-30.7.91.
Sub: Verification of P.M. Certificate.

Dear Sir,

Reference your name no. stated above, Sri Chandan Ukil was once again examined by the competent medical board and issued a fresh P.M. certificate on 29.8.91. He is certified by the medical board that disability of Sri Ukil is 55%. Attested copy of the certificate is enclosed herewith for your perusal. You are requested to consider candidature of Sri Chandan Ukil for the vacancy of clerk against which his name was sponsored from this Office.

Yours faithfully,

(P. K. JAIN)
Employment Officer,
Cooch Behar.

✓ Copy forwarded to Sri Chandan Ukil c/o Sivendra Ch. Ukil
Sivendra Lalayan road Vivekananda Pali, Paltan - Cooch Behar
for information.

(P. K. JAIN)
Employment Officer
Cooch Behar
Employment Officer (Recrt)
District Employment Exchange
Cooch Behar

BY FAX

NORTHEAST FRONTIER RAILWAY

Office of the
General Manager(P)
Maligaon:Guwahati-11

No.E/170/Legal Cell/318/94

Dt. 18-5-98

To

Sri Chandan Ukil
S/o- Sri Birendra Ch. Ukil
Sibendra Narayan Road
North Side of B.T. College.
Dist: Cooch Behar(WEST BENGAL).

Sub:- Medical examination on 20.5.98

A Medical examination by medical expert is arranged to examine you on 20-5-98 as per Hon'ble Central Administrative Tribunal's order dt. 12-2-98 L guwahati's in OA No.175/95.

As such you are advised to report to the office of the CMD on 20-5-98 at 10-00 hrs positively.


18/5/98
(AFO/Legal Cell)
for General Manager(P)/Maligaon.

No. E/227/220(Rec't) Pt. III

Office of the
General Manager (P)
Maligaon, Guwahati-11

Dt: 04.01.99

To
Shri Chandan Ukil
(at office)

Sub:- Medical Examination as per direction
of CAT in OA No. 170/95.

You are hereby directed to report
to MD/CH/MLG on 5.1.99 at 9.30 a.m. for your
medical examination.

Ans
SPO/HQ 04/01/99
for General Manager (P)

Copy to:

- 1) MD/CH/MLG in response to his L/No. H/5/80(A) dt. 22.12.98. Shri Chandan Ukil is hereby directed for his medical examination. This refers to our previous L/ No. E/227/220(Rec't) Pt. III dt. 24.12.98.
- 2) APO/LC in reference to his L/No. E/170/LC/318/94 dt. 24.12.98.
- 3) Dy. CMD(MS) in reference to his L/No. HM/Medical Board (Loose) dt. 23.12.98.

Ans
SPO/HQ
for General Manager (P)

N.F.RAILWAY

Office of the
General Manager (P)
Maligaon, Guwahati - 11

No. 5/227/Pre-Medical/ST(11)

dated 23-3-98

To

Shri Chandan Ukiil,
(Now at office)

Sub:- Medical Examination

Ref:- this office letter No. 5/227/Pre-Medical/
ST(11) dt. 23.3.98.

.....

You were directed to deposit a sum of Rs.24/- for
medical examination vide this ~~last~~ office letter under
reference which may please be treated cancellod as it is
not required to be done.

Q 200
for General Manager (P)

for information and
necessary action please.

✓
for General Manager (P)

16 MAY 2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI Bench

File No. 6/5/2001
through a Central Adminis-
trative Tribunal
Date 16/5/2001

Contempt Petition No. 1 of 1999

in

OA No. 170/95

Shri Chandan Ukil

- Vs -

U.O. I & Others

In the matter of :

Reply to the Rejoinder filed by
the applicant

The respondents most respectfully beg to state as under:

1. The respondents have gone through the rejoinder filed by the applicant and understood the contents thereof.
2. That in reply to the statements in rejoinder the respondents reiterate the statements in the W.S. and do not admit any statement which is not supported by records.
3. That in reply to the ~~the~~ statements in paragraphs 1 and 2 of the rejoinder it is stated that the appointment to the posts against handicapped quota are made on the basis of medical examination reports. The cases of the persons named by the petitioner are not of doubtful range. They fall within the physically handicapped norms. But the case

of the petitioner is of doubtful range and as such to clear any doubt expert medical check up in the institution where such facility exists. The allegation of denial of appointment is denied.

The petitioner was advised to go for medical examination to confirm percentage of visually handicappedness and after the examination if he was found within norms of handicapped person he would have been appointed. But the petitioner avoided the medical examination. The petitioner was informed that his depositing of Rs. 24/- for medical examination was not required by the letter No: E/227/Pre-Medical/ST (XI) dated 23-3-96 and ~~new examination fee is charged~~ this is not a change of decision as regards medical report and appointment. It only informs him that the said money need not be paid. It is also stated that the medical examination is required in the case of the applicant for the reason that appointment on physically handicapped quota should be ^{after} done ~~for~~ deciding the prescribed percentage of physical disability of the candidate and hence the allegation of the applicant that he has been harrased with an ulterior motive is baseless in the facts and circumstance of the case.

4. That this reply to the rejoinder has been made bonafide and in the interest of justice.
5. That in the facts and circumstances of the case the contempt petition deserves to be dismissed.

VERIFICATION

I Sri A. K. Nigam working as
Chief Personnel officer (Administrative) ^{do} hereby verify
that the statements made paragraphs 1 to 5 are true to my knowledge.

Guwahati
...../..../2001.

Signature

(A)

Notice

From
T. L. Sarkar
Advocate

Date 16/5/2001

To
Mr. M. Chanda
Advocate

Sub: C.P. No. 1 of 1999 (501 C)
(U.G.I. vs U.O.D & ORS)

Dear Sir,

Please receive a copy of the reply to
the objection for ~~fee~~ in the above case for your own use.

Yours sincerely

Prakash Chanda
Advocate

I enclose

For, T. L. Sarkar
Advocate

Copy received

16/5/2001
(Advocate)

File by Gyaneshwar
Jyoti Dhar
Abu
18/2/01
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.

G U W A H A T I.

C.P. No. 1/99

In

O.A. No. 170/95

Shri C. Ukill

- Vs -

Shri R. Nath & another.

The Counsel for the respondents respectfully begs to file the following attested copies of the records. These records were earlier filed by the Counsel giving copy to the Counsel of the petitioner. During hearing on 26.06.2001, these documents were not found in the Court's records. The Hon'ble Tribunal, however, was pleased to read the records from the copies of the Counsels. As such, fresh copies are being filed :-

List of Records.

1. Report of the Medical Board dtd 24.9.93 - Annexure 1.
2. Report of the single Doctor dtd 20.5.98 - Annexure 2.
3. Report of the Medical Board dtd 7.1.99 - Annexure 3.
4. GM(P)'s letter No. E/227/220(RECTT)Pt.III dtd 26.10.93 to the Railway Board. - Annexure 4.
5. CMD's letter No. HM/219/1 Pt.V dtd 22.5.98 to GM(P). - Annexure 5.

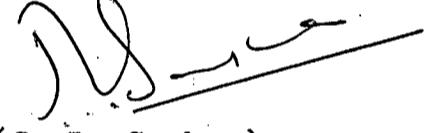
6. GM(P)'s letter No. E/227/220(RECTT)
Pt.III dtd 15.3.99 to AIIMS/NDLS. - Annexure 6.

7. AIIMS's letter No.F/13-2/99-ESTT(H) dtd
31.3.99 to GM(P)/MLG. - Annexure 7.

8. CMD's letter No.E/227(RECTT)Pt.III dtd
19.4.99 to the Director, Safdarjang
Hospital/NDLS. - Annexure 8.

9. CPO/NF Railway's letter No.E/227/220
(RECTT)Pt.III dtd Feb'2000 to Dr.
Bhattacherjee, MD, Sandardev Netralaya,
Guwahati. - Annexure 9

Guwahati,
Dated, 28/7 , 2001.


(J. L. Sarkar)
Advocate.

N. F. Railway

MEDICAL DEPARTMENT

REPORT OF THE MEDICAL BOARD

Medical Board held at Central Hospital, N.F.Railway,
Maligaon on 24-9-93.

Name of the candidate - Shri Chandan Ukil
son of Shri Birendra Ch.Ukil.
Date of Birth - 10-1-1963 (as stated by the candidate).

Date of birth - 10-1-1963 (as stated by the own self)
Sex - Male.

Sex - Male.
Marks of identification: 1. A linear/scar mark on left
eyebrow 1.5cm x 0.3cm.
2. Irregular scar mark on the
front of right leg near the
ankle 4cm x 2cm.

Authority letter to hold the Medical Board - Railway Board's letter No.E(KEP)II.81/AM-S(18)/118 dt.12-3-93 as communicated vide GAO/MLG's letter No.HM/Medical Board/Pt.II dated 23-6-93.

Members of the Medical Board

1. Dr. X. C. Bhushanam, CHG/Maligaon - Chairman.
 2. Dr. B. R. Deka, Sr. DMO/OPH/MLG - Member.
 3. Dr. B. R. Dhar, Sr. DMO/Admin/MLG - Member.

History of the case

Loss of vision in the left eye following an injury in his childhood at the age of about one year as stated by the candidate. Diminished vision in the right eye from the age of 17 years as stated by the candidate.

2. Physical findings

General condition - Normal.
Pulse - 72/min., regular normal volume.

Pulse - 72/min., regular. B.P. - 110/80 mmHg. Heart, Lungs, Abdomen - Clinically normal. No hydrocoel or hernia.

Hearing-Normal.

Opthalmological Examinations

Right Eye: Lids - Normal
Conjunctiva-Normal
Cornea-Clear
Anterior chamber-Normal
Pupillary size shape and reaction-Normal
Lens-Clear
Vitreous-Clear
Vision = Distance 6/96 without glass or wavy
line - 20/20.

Near N6
Intra-ocular pressure-17.3 mmHg.

Signature
affixed

(cont'd., p. 2)

- 2 -

Left eye : Lids - Normal.
Conjunctiva-Normal.
Cornea-Transverse scar mark at the
earns. There is history of
trauma in his childhood.
Anterior chamber-Normal.
Pupil-Constricted. Not reacting to light.
Lens-Cataractus.
Vitreous-Cannot be seen.
Vision- PL (-)ve.
Intra-ocular pressure- 17.3mmHg.

Ophthalmoscopy
Examination - Fundus of the eye in the right
side appears normal. All the retinal
structures and optic disc found to
be normal. Fundus of the left eye
could not be seen due to cataract.

3. Complete diagnosis

Right eye - Normal.

Left eye - Traumatic blindness.

4. Opinion of the Medical Board

Shri Chandan Ukil is blind in his left eye. There is
no perception of light in his left eye. But his right eye
is normal and he has visual acuity of 6/24 or it may be
more. In terms of Rly. Board's instructions circulated vide
their letter No. E(NG)III-77RCI/54 dated 8-1-78 Shri Chandan
Ukil does not belong to the physically handicapped quota
(the blind) as his right eye is normal and has a visual
acuity of 6/24.

Y (Signature)
(Dr. Y. C. Bhushan)
CHS/Malison.

24.9.93
(Dr. B. R. Dhar)
SR. IMO/Adm/MLC

24.9.93
(Dr. B. R. Dhar)
SR. IMO/OPH/MLC

Govt. of India
Ministry of Labour
Labour Bureau
National Central Hospital
Bhawan, Guwahati-11.

Attested

Senior Personnel Officer
R & R Bureau
11-10-93

Opinion of the Medical Board
as ophthalmologist
11-10-93

24.9.93

Signature attested
Y (Signature)
24.9.93

Govt. of India
Ministry of Labour
Labour Bureau
National Central Hospital
Bhawan, Guwahati-11.

Govt. of India
Ministry of Labour
Labour Bureau
National Central Hospital
Bhawan, Guwahati-11.

(CONFIDENTIAL)

Director of the
National Health
Central Hospital,
Malgao, G.H.Y. 781 011.

No. H/5/80(A)

Dt. 20-05-98.

To:
CMD/N.F.RLY.
Malgao.

Sub:- Medical Examination of Sri Chandan Ukil,
as per direction of CAT in OA No. 170/95
by an Expert.

Ref:- Your letter no. HM/219/1 Dt. 19-05-98.

GM(P)'s letter no. E/170/Logel Cell/318/94
Dt. 18-05-98.

A

In reference to the above the Medical Examination
(Vision) Test) done by Dr (Ms) D. Khermalki, Eye Specialist/Central
Hospital/Malgao is enclosed herewith in duplicate for your
disposal please.

20. 5. 98

✓ MEDICAL DIRECTOR/CH/MLG.

J.C

Inclos:- As above.

20. 5. 98
Medical Director
Central Hospital
Malgao
N.F. Railway
Malgao, Guwahati-1

Affected

Senior Personnel Office
Recruitment
N.F. Railway, Guwahati

Medical Examination Report of Shri Chandan
Ukil, S/o Sri Birendra Ch. Ukil, Sibendra
Narayan Road, North side of B.T. College
Distt. Cooch Behar (West Bengal)

EYE EXAMINATION

Right Eye

Externally - Normal

Pupillary reaction - Normal

Others - Normal

Vision - 4/60 without glass Near - N/S
4/60 with glass

Internal Exam.

Fundus - Normal, Media clear

disc - normal

~vessels - normal

disc-cup ratio - normal

Intra-ocular tension - 14.6

Colour vision - normal

Left Eye

Externally - Old corneal opacity in the centre
with anterior synchia with cataract.

Vision - Perception of light present.

Intra-ocular tension - 14.5

Colour vision - absent

Internal Exam.

Fundus - Media hazy due to cataract.

Patient is blind in the Left Eye with vision
4/60 in the Right Eye.

Dated, 20/5/98

(Dr. (Mrs.) D. Kharvalki)
ADMQ/Opth./CH/Maligaon.

Charnalki

Approved

Senior Personnel Officer
(Recruitment)
N. F. Railway, Raodu.

DR. CH. KARVALKI
Dy. Commr. of O.P.H.
N.F. RAILWAY, RAODU.
N.F. Railway, Maligaon, Assam.

N.F.RAILWAY.

Chandan Ukil

MEDICAL BOARD MEETING.

REPORT OF MEDICAL BOARD.

Medical Board held at Central Hospital/N.F.Railway/Maligonji.
on 07-01-99 Name of the employee _____875
71-29

Designation Candidate _____

Authority letter No: CMD/MIO's L/No: HM/Med.Bd/(Loose)
to hold the medical board

CMD/MIO's letter No: HM/Med.Bd/(Loose) Dated 27.7.98

Members of the medical board:-

1). Chairman Dr. D.K. Desai, C.D/C.H/MDC.

2). Members Dr. H.N. Barua, Gr.DMO/ADMIT/C.H/MLG.

3). Members Dr. H.R. Desai, Gr.DMO/ADMIT/C.H/MLG.

1). History of the case: Dimness of vision Rt.eye with
inability to see with the Lt.eye. He cannot see with
his left eye since childhood.

2). Physical findings. — Local examination of eyes.

Pulse - 78/min. Rt.Eye- Cornea clear.

B.P. - 110/80 mm. of Hg. Lens clear.

Pallor - absent. Vitreous clear.

Jaundice, Cyanosis - Absent. Lt.Eye- Corneal opacity with Anterior
Chest.) synchia.CVS, Abd.) NAD. Pupil constricted not
CNS, Abd.) reacting to light.

3). INVESTIGATION REPORT. Lens - Cataractus.

Vision - Rt. 6/60 which is not improved even after
the examination distance is reduced to
two meters.Patient's Vision is 6/60 after putting
+ 13.00 & - 13.00 Dsp. lens.

Vision Left - Perception of light NIL.

IOP Rt. 14.6 mm. Hg.

Lt. 14.6 mm. Hg.

Optic Ophthalmoscopic examination:-

Rt.Eye - Fundus Normal.

Lt.Eye - Fundus cannot be seen due
to haziness of media.

Approved

27/1/99

Senior Personnel Officer
N.F. Railway, Maligonji.

INVESTIGATION REPORT.

T.C - 5,300/cumm.

DLC - R-56%, L-40%, M-0%, E-4%. Microscopic Exam. - NAD.

ESR - 02 mm. AEFH. X-ray PA view chest - no active.

HB - 12 gms. Pulmonary pathology seen.

Heart & aorta are normal.

U.R.T. - Albumin - Nil.

Sug. - Nil.

4). COMPLETE DIAGNOSIS:- Blindness of Lt eye with doubtful
range of vision in 1.00 m.S. T. Director / F.G.M. Director / F.G.M. Director / F.G.M. Director / F.G.M.
N.F. Railway, Maligonji, Date 07.01.99.

Dr. H.N. Barua.

Dr. H.R. Desai.

N.F. Railway, Maligonji, Dt. 7.1.99.

64

Medicines received:-

Nil.

6. Summary of the case and conclusion:-

Sri Chandan Skil came with dimness of vision Rt.eye with inability to see with Lt.eye. On examination he is found to be completely blindmax in the Lt.Eye with doubtful visual range in the Rt. eye.

Opinion of the Medical Board:-

After examination of exit

Sri Chandan Ukil specially for his vision the members of the Medical Board comes to the opinion that Sri Ukil is completely blind of his left eye and so far the Right eye is concerned the range of vision is doubtful. So to come to a decisive conclusion he should undergo Electro Physiological test for eyes which is not available in N.E. Railway Central Hospital/Maligaon. Signature (Ami) 99 Name: *Ukil*

Signature: Tom W. D. 95

Name: _____

Name: _____

Design: Dr. B. R. Deka
S.E. DMO/EYE/C.H.

Mr. D. K. Das.

destination:

Signature: C.D/C.H/W/G.

Designation: Dr. N. N. Barua, M.A.
G. E. R. M. D. (A.G.R.E.)

1. Signature of the staff

16 June 1921

3). One circular scar mark above Rt. ankle on front side 2" x $\frac{1}{2}$ " Size.

Afternoon
27/7/19
Senior Personnel Officer
(Recruitment)
B. F. Railway, Pandu.

— 9 —
3N-144
Annexe - 4
58
NORTH EAST FRONTIER RAILWAY.

Office of the
General Manager (Personnel)
Maliigaon, Guwahati-781011.

Ref. E/227/220 (Factt) Pt. III.

Dated 26-10-1993.

To
The Executive Director, Estt (G),
Railway Board,
New Delhi.

Sub:- Appointment of Shri Chandan Ukil on
E.T.Rly. against Physically Handicapped
quota.

Re: Ref:- Board's letter Ref. E(REP)IL.91/SE-5/(18)/118
dated 12.3.93 and 1.10.93.

is desired by the Board vide their letter dated
12.3.93 above, Shri Chandan Ukil was examined by a
Medical Board at Central Hospital/Maliigaon on 24.9.93.
The opinion of the Medical Board is as below :-

Shri Chandan Ukil is blind in his left eye. There
is no perception of light in the left eye. But his
right eye is normal and he has visual acuity of
6/24 or it may be more. In terms of Railway Board's
instruction circulated vide their letter E.C.E.(Rly)
III-77/ACI/54 dated 8.1.78, Shri Chandan Ukil does
not belong to the physically handicapped quota
(blind) as his right eye is normal and has a visual
acuity of 6/24.

The findings and the opinion of the Medical Board
have been accepted by the Chief Medical Officer/N.F.Railway.

(H.K. Chakraborty)
By Chief Paymaster Officer/SE
for GENERAL MANAGER (P).

07/10/93
Senior Personnel Officer
N.F. Railway, Fauda

Accepted

2/10/93
Senior Personnel Officer
N.F. Railway, Fauda

Annexure - 5

(10)

— 10 —

1/17

150
-8-

RAILWAY

order of the
SDR/MLG

22-3-1998

No. R.D/239/1 R.D.Y.

To 1
DR(P)/Maligaon

Sub : - Medical examination of Sri
Chandan Uddi as per direction
of SDR in O.A. No. 170/95 as expert.

Ref : - DR(P)/MLG's letter No. R/227/220/
DR(P)/MLG(11) dt. 23-3-1998

In terms of your above quoted letter,
the above named was examined by an expert(Ophthalmologist),
DR(MB) B. Khamalki on 20/3/98.

Sri. Uddi's vision was blind in the left
eye and vision in the right eye is 4/60.

Based in terms of M.Y. Board's letter
No. R(DG)MLG-77/80-1/54 dt. 10-1-1970, Sri Chandan Uddi
balance to the physically handicapped quota(1/2nd) as
on 20-3-1998.

However, it may be mentioned that
Sri Chandan Uddi was examined by a Medical Board which
includes one Eye Specialist, (Dr. B.B. Deka) DR.DMO/DR/MLG
on 24-9-91 at Central Hospital, Maligaon as desired by
Railway Board for appointment of Sri Chandan Uddi on
N.E. Railway against physically handicapped quota.

During that medical examination on 24-9-91,
Sri Chandan Uddi was found blind in left eye but right
eye was normal with vision capacity of 6/24 or more and
as such he was not physically handicapped (blind) as per
as per 24-9-91 in terms of M.Y. Board's letter No. R(DG)MLG-77/
80-1/54 dt. 10-1-1970.

Re : - 1 Dr. B.B. Deka
@ 302 Doctors' Hostel
Ghati, Guwahati

Senior Recruitment
Recruitment
Recruitment

सनरी रिक्रूटमेंट/प्रिलिस सेवा
Senior Recruitment Service
प्रिलिस बोर्ड, माननाय, गुदाहाटी-11
N.E. Railway, Guwahati-1.

THE NORTHEAST FRONTIER RAILWAY.

OFFICE OF THE
GENERAL MANAGER (P)
MALIGAON, GUWAHATI-11.

DT: 15-03-99

NO. 3/227/220 (Rec'dt) Pt. III

To
Director,
All India Institute of Medical Sciences,
New Delhi.

S110

Sub:- Radical Examination of Shri Chandan UKIL
for appointment to the Railway Service
against visually Handicapped Quota.

Ref:- This office letter of even No. dt. 22.2.99.

20
Video this office letter quoted under
reference the opinion of Medical Board constituted
by Eastwick Railway Medical Organisation was conveyed
to you with a request to arrange further medical
examination of Shri Chandan Ukil at your end to
ascertain his visual acuity. But till date nothing
has been received from your end. It is, therefore,
once again requested to arrange medical examination
of Shri Chandan Ukil for ascertaining the degree of
his visual loss.

However, the findings of Railway Medical Board is appended:-

Sri Chandan Ukhil

1. Name

Local examination of eyes:-

2. ~~Local examination~~
Rt. Eye - Cornea = Clear
Lens = Clear
Lt. Eye - Cornea op.
Pupils - Constrict-
ed.

VITREOUS - Clear

...reaction to
light - E.I.

-Intra-Cataractous

-Perception of
light-Edl.
LOP-14.6 mm
of Hg.

Vision - 6/60 which is not improved even after the exam. distance is reduced to 2 m.s. Patient's vision is 6/60 after putting +150-130SP lens. IOP-14. 6mm

Senior Personnel Officer
(Recruitment)
N.T. Railway, Pandu

Dr. S. C. Bhattacharya
Medical Director/Chairman
N.F. Railway, Maligaon, Guwahati - 781 009
Date: 27/2/2000

-2-

3. Ophthalmic Exam. - Fundus -Normal Funds can not be seen due to hazziness of media.

4. Opinion of the Medical Board:-

Opinion of the Medical Board was BLINDNESS of Lt. Eye with doubtful range of vision Lt. Eye which will require Electro Physiological test for confirmation.

So to come to a decisive conclusion Sri Chandan Ukil should be sent to AIIMS/MDLS to establish the degree of visual loss over Lt. Eye and to obtain their opinion.

In view of above it is requested to let this office know the probable date of medical examination of Shri Chandan Ukil with a view to enable us to direct Shri Ukil to appear before AIIMS, New Delhi. You may also intimate us the rules for the examination and payment thereof, if any.

An early reply is requested please.

W.M.

(P. SARKER)
SR. PERSONNEL OFFICER/HQ
FOR GENERAL MANAGER (P)

Copy to:

✓ OMD/MLG for favour of information please.
He is requested to take necessary action
for arranging medical examination of
Shri Chandan Ukil at the earliest, from his
end also.

sen

✓ (P. SARKER) 12/3/73
SR. PERSONNEL OFFICER/HQ
FOR GENERAL MANAGER (P)

Attested
A.D.
17/3/73
Senior Personnel Officer
(Recruitment)
N.F. Railway, Fundu.

✓ (P. SARKER) 12/3/73
Oy. Chief Medical Officer / Medical Director /
DPO 12, Maligaon, Jorhat
N.F. Railway, Maligaon, Guwahati

Amélie - 7

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ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Ansari Nagar, New Delhi-29

Dated the 11

3 9 MAR 1994

NO. F.13-2/99-Est.t. (H.)

70

The General Manager (F)
Head Quarters,
Northeast Frontier Railway,
Maligaon, Guwahati - 11.

Sir,

With reference to your letter letter No.E/227/220 (Recd.) Pt.III dated 22.2.1999 regarding medical examination of your employees at the AIIMS Hospital, I wish to inform you that A.I.I.M.S. Hospital does not undertake such kind of referral service. The Government has authorised Safdarjung Hospital and Dr. R.M.L. Hospital to conduct such examinations. You are, therefore, requested to clarify the same from these two hospitals.

Yours faithfully,

(A.L. ARORA)
ADMINISTRATIVE OFFICER

✓ 1000 Senior Personnel Office
N. E. Highway, Pandu.
Recruitment

Arrested

**Senior Personnel Office
(Recruitment)**
N. F. Railway, Pandu.

SCOTT.



Answare-8
70

मुख्य चिकित्सा निदेशक
Chief Medical Director

No. E/217/Recd/ Pt. III

NORTHEAST FRONTIER RAILWAY
पूर्वोत्तर सीमा रेलवे, मालिगांव, गुवाहाटी-781011, असम
Maligaon, Guwahati-781011, Assam

Dated 11-4-1999.

To
The Director,
Safdarjung Hospital,
New Delhi.

Sir,

Subs Medical Examination of Sri Chandan Ukil
for appointment to the Railway Service
against visually Handicapped Quota.

Sri Chandan Ukil an applicant in N.F.Railway against
physically handicapped quota was subjected to Medical Examination
and the report of Medical Examination was inconclusive.

The findings of Medical Board is appended:-

1. Name : Sri Chandan Ukil
2. Local examination of eyes:-

Rt.Eye - Cornea - Clear
Lens - Clear Lt.Eye - Cornea Opacity.
Pupils - Constricted.
Vitreous - Clear - Reaction to light - Nil.
- Lens - Cataractous.
Vision - 6/60 which is - Perception of light - Nil.
not improved B.Dr - 14.6 mm of Hg.
even after the
examination
is reduced to
2 mtr. Patient's
vision is 6/60
after putting
+13D-13DSP lens.
IOP - 14.6 mm of Hg.

Ophthalmic Exam. - Fundus - Normal Fundo - Cannot be seen
due to haziness of
medium.

Opinion of the Medical Board was Blindness of Lt.Eye
with doubtful range of vision Rt.Eye which will require Electro
Physiological test for confirmation.

So to come to a decisive conclusion a reference is was
made with the Director, All India Institute of Medical Science, New
Delhi by the General Manager(P) N.F.Railway, Guwahati-II. The
Administrative Officer, All India Institute of Medical Sciences,
New Delhi vide their letter No.F.13-2/99-Ecc.(H) dated 31.3.99
informed this Railway that A.I.I.M.S Hospital does not undertake
such kind of referral service and intimated that the Government has
authorized Safdarjung Hospital to conduct such examinations. A copy
of which is enclosed for your kind information please.

Contd....2...

Attested

21/7/99
Senior Personnel Officer
(Recruitment Office)
N.F.Railway, Guwahati

Contd....2

Guwahati

— 15 —

- 2 -

In view of above, it is requested to kindly let this office know the probable date of Medical Examination of Shri Chendan Ukil with a view to enable us to direct Shri Ukil to appear before Safdarjung Hospital, New Delhi. Also intimate us the rules for the examination and payment thereof, if any.

An early reply is requested.

Yours faithfully,

Encle: As above.

(Dr. K. K. Sen Laskar)
By. C.M.D./MS
for Chief Medical Director.

Copy to:-

1. GM(P) N.F. Railway, Mallingan, Guwahati-11
for information and necessary action pl.

(Dr. K. K. Sen Laskar)
By. C.M.D./MS
for Chief Medical Director.

Dr. K. K. Sen Laskar
Chief Medical Director, Medical Service
N.F. Railway, Mallingan, Guwahati-11

After Recd

Q.C.W.
S/21/1961
Senior Personnel Office
(Recruitment)
N. F. Railway, Paudu.

Contd.....2

Guwahati

S. E. S. O. T.

(M.M.)

Re. E/227/220 (Boots No. III)

Dated 20 of Nov. 2000

To

Dr. Bhattacharya
Medical Director
Shantadurga Hospital
Cuttack

Sir,

Sub:- Medical Examination of Sri Chidanand for appointment to the Railway Service against physically handicapped quota.

No 2:- Telephonic discussion the informed had with you on 4.2.2000

Sri Chidanand was an applicant against physically handicapped quota on N.P. Railway was subjected to Medical examination and the report of medical examination was inconclusive.

The findings of Medical Exam is as under :-

1. Eye - Sri Chidanand

2. Medical examination of Eyes

- R. Eye - Cornea - Clear
Iris - Clear
Pupils - Clear
Vision - 6/60 which is not improved even after the eyes are reduced to 2 m. distance is reduced to 2 m. Patient's vision is 6/60 after putting + 100 - 13337 lens. IOP - 14. mm of Hg.

L. Eye - Cornea - opacity
Pupils - Constricted
Reaction to light - Nil
Iris - Constricted
Reaction of Light - Nil
IOP - 14. mm of Hg.

3. Ophthalmic Exam.

- L. Eye - Pupils - Normal
R. Eye - Pupils - cannot be seen due to opacity of media.

Opinion of the Medical Board was blindness of L. Eye with doubtful degree of vision R. Eye which will require Electro Retinogram for confirmation.

B.M.C
21/11/00

Senior Personnel Office
(Recruitment)
N. F. Railway, Pauda

Approved
21/11/00
Senior Personnel Office
(Recruitment)
N. F. Railway, Pauda

Centd.....2

—17—

23

- 2 -

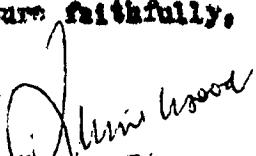
You are therefore, requested kindly to let this office know your convenience date for arranging medical examination of Shri Chandan Singh at the earliest so that the case can be finally concluded.

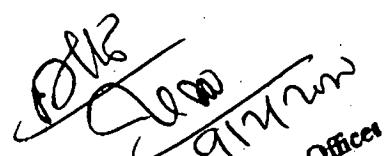
Please also indicate the terms and conditions for the above medical examination and also payment to be made in this connection.

Your early response to the above request would be highly appreciated.

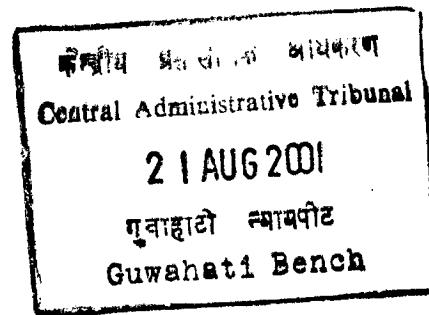
Thanking you,

Yours faithfully,


A. H. Wood
(S. P. S. 900)
Chief Personnel Officer (Mun.)


A. H. Wood
9/12/2002
Senior Personnel Officer
(Recruitment)
M. F. Railway, Pandu


A. H. Wood
4/7/01
Senior Personnel Officer
(Recruitment)
M. F. Railway, Pandu.



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Filed by the applicant
through advocate Sri
G. N. Chakravarty on 21-8-2001

In the matter of :

Contempt petition No. 1/1999

In

OA No. 170 of 1995

Sri Chandan Ukil

Vs

Sri R. Nath and others

And

In the matter of

An additional affidavit by the petitioner to
apprise the Hon'ble Tribunal of
development taking place after Submission
of Medical Examination report, conducted
by the SHANKARDEV NETHRALAYA
Guwahati on 21.7.2001 and deliberations
before this Hon'ble Tribunal on 2.8.2001
for appropriate order.

I, Sri Chandan Ukil, S/o Sri Birendra Chandra Ukil, resident of Shibendra Narayan Road, P.O. & Dist. Cooch Behar, West Bengal, petitioner in the aforementioned Contempt Petition, do hereby solemnly affirm and state as follows :

1. That your petitioner approached this Hon'ble Tribunal way back in 1999 by filing a contempt petition before this Hon'ble Tribunal under section 17 of the Administrative Tribunal Act,1985 for initiation of contempt proceeding for wilful and deliberate violation of the Judgment and order of the Hon'ble Tribunal dated 12.2.98 passed in O.A. No. 170/95. The said Contempt Petition was registered as C.P. No. 1 of 1999 and the Hon'ble Tribunal was pleased to issue notice in the year 1999 itself, against the alleged contemner. However, the alleged Contemner Sri P. Murugan the then Chief Personnel Officer N.F. Railway, Maligaon submitted his show cause reply on 19.2.1999 before this Hon'ble Tribunal in the said show cause reply said Sri Murugan stated as follows :

"Hon'ble CAT Guwahati vide their order/judgment dated 12.2.1998 directed the Railway to pass a reasoned order after ascertaining from a medical expert the blindness of the applicant for consideration of his case. Accordingly the applicant was directed to the Chief Medical Director, N.F. Railway Maligaon. So as to comply with the order the applicant was thereafter examined by the ophthalmologist and his report was not leading to any confusion by the Chief Medical Director. He therefore referred the case to Medical Board at Central Hospital, Maligaon, comprising of three medical experts including one eye specialist. The Medical Board Examined the

applicant on 7.1.1999 at Central Hospital, Maligaon, with the following comments. Opinion of the Medical Board of was blind of left eye with doubtful range of vision of right eye which will require electro psychological test for confirmation. In order to come to a deceive conclusion Sri Chandan Ukil is required to be sent to AIIMS , New Delhi to establish the degree of visual loss over left eye and to obtain their opinion".

It is stated that the above statement of Sri Murugan also not correct which would be evident from the Confidential letter bearing No. H/5/80(A) dated 20.5.1998 addressed to CMD, N.F. Rly., Maligaon, enclosing the Medical Examination on report dated 20.5.1998 conducted by Dr. D. Kharmalki, Maligaon. A mere perusal of the Medical Report dated 20.5.1998 would establish that the petitioner's vision falls within the range of physically handicapped quota as prescribed in the relevant Railway circulars and there was no ambiguity in the said medical examination report dated 20.5.1998 conducted by a Medical expert of N.F. Railways. But surprisingly in the show cause reply dated 19.2.1999 of Sri Murugan, the then Chief Personnel officer submitted that Report did not lead to any conclusion as per opinion of Chief Medical Director but the records speaks contrary to the statement made by Sri Murugan before this Hon'ble tribunal. It is however submitted that in the said show cause reply dated 19.2.1999 it was stated that thereafter the Chief Medical Director referred the case of the petitioner to Medical Board at Central Hospital at Maligaon comprising of three Medical Officers including one eye specialist and that the said Medical Board

examined the petitioner on 7.1.1999 at Central Hospital, Maligaon and opined that the petitioner was blind of left eye with doubtful range of vision of right eye which would require electro physiological test for confirmation in order to come to a decisive conclusion and that the petitioner was required to send to AIIMS, New Delhi to establish the degree of visual loss of left eye and to obtain their opinion. But surprisingly the report of the Medical Board dated 7.1.1999 speaks contrary to the statement made by Sri Murugan in his show cause reply dated 19.2.1999. From mere perusal of the Medical Board Examination report dated 7.1.1999 it would be evident that the Medical Board categorically submitted its opinion that the petitioner is blind of his left eye and it is further recorded that the range of vision in his right eye is doubtful. But surprisingly in the test report it is specifically stated that vision of the petitioner in the right eye is 6/60 which is not improved even after examination, distance is reduced to two metres. Therefore it appears that even though the right eye of the petitioner falls within a range prescribed by the Railway Board Circular for declaration of physically handicapped, but surprisingly in the opinion part of the said report it is stated that the vision of the right eye is of doubtful range with the sole intention to mislead the Hon'ble Tribunal and to harass the petitioner as the petitioner came out successful in the earlier medical examinations held on 20.5.1998 and also in the subsequent medical examination held on 7.1.1999. It is relevant to mention here that all these medical reports have been submitted by the Railways before this Hon'ble Tribunal on 11.2.2000 with a list of records. However, the alleged contemners vide their letter bearing No. E/227/220(Rectt) Pt III dated 7.2.2000 wrote a letter to the Medical Director,

Sankar Netralaya, Guwahati asking for an appointment for medical examination of the petitioner for recruitment against visually handicapped quota with reference to Chief Personnel Officer's telephonic discussion held on 4.2.2000 and subsequently an arrangement was made by the Railway Authority that the Sankar Netralaya, Guwahati for medical examination of the petitioner and further insisted on the petitioner for attending Sankar Netralaya for further medical examination during the pendency of the contempt petition.

~~A copy of the letter dated 7.2.2000 is annexed as Annexure~~ *See*

2. That this Hon'ble Tribunal vide its order dated 26.6.2001 directed the petitioner to appear before the Sankar Netralaya, Guwahati for further medical examination so that petitioner could get examined on the basis of electro physiological test for correct assessment of his range of vision and also directed alleged contemners for production of Medical Report pertaining to the physical handicapped Sri Ujjwal Kumar Adhikari and Ms Keka Rani Das who were shown as selected candidates with Roll No. 6 and 198 respectively before this Hon'ble Tribunal on the next date of hearing. However in terms of the Hon'ble Tribunal's order dated 26.6.2001 the petitioner was informed by the General Manager (P), Maligaon vide his letter bearing No. Z/20816/CAT/GHY/99 dated 2.7.2001 directing him to attend the office of the General Manager (P), Maligaon, Guwahati on 20.7.2001 at 09.00 hrs positively for medial examination in the Sankar Netralaya, Guwahti on 21.7.2001 at 10.30 A.M. The petitioner accordingly attended the office of General Manager (P) on 20.7.2001 and also attended Sankar Netralaya,

Guwahati on 21.7.2001 at 10.30 a.m. for further medical examination for assessment of correct vision.

The petitioner was released after necessary medical examination conducted by the Sankar Netralaya on 21.7.2001. Therefore, when the said Contempt Petition came up for consideration for hearing on 2.8.2001 as fixed earlier the Railway Counsel submitted before this Hon'ble Tribunal on 2.8.2001 that they have received the medical examination report from Sankar Netralaya and thereafter the matter is now under active consideration before the Railway Authorities for consideration of appointment of the petitioner and also submitted before this Hon'ble Tribunal on 2.8.2001 that the petitioner should be made himself available before the Railway Authorities to follow up the further developments.

In view of the submission made by the Railway counsel on 2.8.2001 the petitioner accordingly came down to Guwahati from his home town Cooch Behar and went to the chamber of Sr. Personnel Officer (Recruitment), Sri Narzari on 7.8.2001 at about 11.00 a.m. and enquired about the progress regarding issuance of appointment letter to the post of Junior Clerk. Sri Narzari however told the petitioner that he is not aware about any development of his case for appointment as he had taken the charge of the said office very recently. The petitioner on the very next day i.e. on 8.8.2001 met Sri A.K.Nigam, Chief Personnel Officer at about 10.30 a.m. and requested him to apprise the progress of his case for appointment, since the medical examination in Sankar Netralaya is over. Sri Nigam however informed the petitioner on 8.8.2001 that the matter regarding his appointment has already been referred to Chief Medical Director, N.F. Railway Guwahati

and told him that necessary decision for his appointment will be taken tomorrow i.e. on 9.8.2001 after consultation with the Chief Medical Director and accordingly he was asked to collect necessary information on the next day i.e. on 9.8.2001. The petitioner accordingly again went to A.K. Nigam, Chief Personnel Officer at about 02.30 P.M. but he was not available in his office and on enquiry it was learnt that Sri Nigam, Chief Personnel Officer had left the office for attending some urgent meeting. The petitioner being disappointed again went on 10.8.2001 to the office of Sri A.K.Nigam, Chief Personnel Officer at about 10.30 A.M. The moment the petitioner reached to the office of said Sri A.K.Nigam, Chief Personnel Officer, he immediately picked up the telephone and discussed with Dr. G.C. Raju, Chief Medical Director for about 5-10 minutes and thereafter Sri Nigam called the Senior Personnel Officer (Recruitment) and requested him to take the petitioner to the chamber of Dr. G.C.Raju, Chief Medical Director, N.F.Railway, Maligaon and also advised the petitioner to meet the Chief Medical Director Dr. G.C.Raju. Accordingly, the petitioner was taken by the Senior Personnel Officer (Recruitment) to the chamber of the Chief Medical Director Dr. G.C.Raju. Thereafter Dr. G.C.Raju made some queries to the petitioner regarding his vision position and after about 10 minutes the petitioner was taken to a room adjacent to his chamber for further eye examination by the chief Medical Director Dr. G.C.Raju. It is pertinent to mention here that Dr. B.R.Deka, eye specialist was also called in chamber of Dr. G.C.Raju during the examination and Dr. Raju further examined the eyes of the petitioner. It is also relevant to mention here that there was no formal requisition from the end of Chief Medical Director or prior intimation regarding

examination of eyes of the petitioner and the petitioner being a poor unemployed person was puzzled as the Chief Medical Director started further examination of his eyes without any prior intimation and examined him for about two hours. The petitioner, after the examination was over, felt hungry and exhausted at such tension and with the due permission of the Chief Medical Director left the office at about 01-30 p.m. In this connection it is relevant to mention here that the petitioner had been examined by the Sankar Netralaya, Guwahati very recently i.e. on 21.7.2001 at the instance of the Railway Authority after being examined prior to that on two occasions by the Railway Board Doctors. On 20.5.1998 and 7.1.1999. It is relevant to mention here that on 7.1.1999 said Sri B.R.Deka was one of the members among the Board members constituted with the three medical officers and Dr. Deka also gave his opinion in the Medical examination report on 7.1.1999. Therefore, there was no justifiable ground for conducting any further medical examination relating to the vision position of the petitioner and that too with the assistance of said Dr. B.R. Deka. It appears that Dr. G.C. Raju, Chief Medical Director was not happy with the medical examination report of the Sankar Netralaya, Guwahati and therefore Dr. G.C. Raju in a very arbitrary manner and without prior intimation and also without leave of the Hon'ble Tribunal started medical examination regarding correctness of the vision of the petitioner and such arbitrary and illegal action of Dr. G.C.Raju, Chief Medical Director is in disregard to the proceeding pending before this Hon'ble Tribunal. He is not in any way connected with the recruitment of the petitioner. The medical examination report conducted by the expert Doctors. on 20.5.1998 and also on 7.1.1999 has already been produced before the

Hon'ble Tribunal and thereafter at the instance of the Railway Authorities the petitioner was sent to Sankar Netralaya . So in the circumstances after receipt of the medical examination report from Sankar Netralaya it was expected that the Railway Authorities would act in accordance with the report submitted by the Sankar Netralaya for consideration of his appointment. But from the arbitrary and illegal action of Dr. G.C.Raju, Chief Medical Director it appears that he has got a feeling that he is above the law and the matter of appointment of the petitioner will be at the mercy and whims of Dr. G.C. Raju, Chief Medical Director, N.F.Railway and therefore the entire action of Dr. Raju is contrary to law and this affidavit is made to bring the subsequent development to the notice of Hon'ble Tribunal for appropriate action against the respondents and Chief Medical Director Dr. G.C.Raju in particular. In view of the fact that when the matter is subjudice before the Hon'ble Tribunal and this Hon'ble Tribunal had passed a specific direction on 26.6.2001 to get the petitioner examined as desired by the Railway Authority through Sankar Netralaya, Guwahati and had also directed the Railway Authorities to produce the Medical Examination Report in respect one Sri Ujjwal Kr. Adhikari and Ms. Keka Rani Das who were also empanelled in the select list bearing Roll nos. 6 and 198 respectively, the Railway Authorities deliberately violated the order of the Hon'ble Tribunal as they did not produce the medical report as directed by the Hon'ble Tribunal on 26.6.2001 and also did not produce the medical examination report received by the Railway Authorities from Sankar Netralaya, Guwahati. All these action of the alleged contemners shows that they are acting in total violation of the Judgment and

order of the Hon'ble Tribunal dated 12.2.1998 passed in O.A. No. 170 of 1995 and also in violation of order passed on 26.6.2001 in C.P. No. 1/1999.

It is also pertinent to mention here that Sri A.K.Nigam vested with the power of recruitment is also silent after receipt of the report from Sankar Netralaya and his conduct also goes to show that they are not inclined to take any action on the basis of medical report submitted by the Sankar Netralaya.

In the circumstances stated above the petitioner by way of this affidavit brings to the notice of the Hon'ble Tribunal the subsequent events that had taken place after receipt of the Medical Examination Report by the Railway Authority from the Sankar Netralaya, Guwahati and prays for passing an appropriate order in the facts and circumstances as stated above as may be deemed fit and proper against the Dr. G.C.Raju, Chief Medical Director in particular for his unlawful activities in view of bye passing the order of the Hon'ble tribunal. It is further submitted that Hon'ble Tribunal further be pleased to direct the alleged Contemners to produce the relevant file bearing No. SSM/99/2001/Gen/ and file bearing No. 2/208/6/CAT/GhY/91 along with the Medical Examination reports of the petitioner given by the Sankar Netralaya as well was the Medical Report of earlier appointees namely Ujjwal Kr. Adhikari as well as Ms. Keka Rani Das for perusal of the Hon'ble Tribunal and also for passing further appropriate order in the facts and circumstances stated above.

7. That the statements made in the declaration and in paragraphs 1 & 2 are true to my knowledge, those made in paragraphs are true to my information derived from the records which I believe to be true and the rests are my humble submissions before the Hon'ble Court.

Identified by :

Sharmi

Advocate's Clerk

Chandan Utkil,

Deponent

Solemnly affirmed and declared
by the Deponent - who is identified
by Mrs. N. D. Goswami's Advocate
on this 20th day of August 2007

Usha Das

Advocate