

Central Administrative Tribunal Principal Bench

OA No. 2996/2016

New Delhi this the 2nd day of September, 2016

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. B.K. Sinha, Member (A)**

Bharat Lal, Aged 28 years,
S/o Sh. Ram Narain Meena,
Presently r/o RZE-50B, Gali No.9,
Dabri Extn., New Delhi-45

- Applicant

(By Advocate: Mr. Yogesh Sharma)

VERSUS

1. Union of India through the Secretary,
Ministry of Railway, Govt. of India,
Railway Bhawan, New Delhi
2. The General Manager,
Southern Railway, Park Town,
Chennai, Tamil Nadu-600003
3. Chief Medical Director,
Southern Railway, Park Town,
Chennai, Tamil Nadu-600003
4. The Divisional Personnel Officer,
Southern Railway, Divisional Office,
Palgahat (Kerala)-678002

ORDER (Oral)

Mr. V. Ajay Kumar, Member (J):

Heard the learned counsel for the applicant.

2. It is submitted that the applicant, in pursuance of the notification issued by the Railway Board for selection to the

post of Assistant Station Master, has applied and was selected by the Railway Recruitment Board and accordingly was medically examined. However, vide Annexure A/1 Office letter dated 20.06/2014, the applicant was informed that the Railway Medical authorities declared him unfit in classification "AYE TWO". Vide Annexure A/2 Office letter dated 15.12.2014, even after special Medical Board's report also, the applicant was since found unfit in "AYE TWO" category, his candidature was not considered. However, the applicant, while obtaining certain certificates from reputed hospitals declaring him fit, made representation to send him for medical examination once again. Accordingly, vide Annexure A/9 dated 09.12.2014, the Railway Board directed the Southern Railway to send the applicant for re-medical examination in another divisional hospital of Southern Railway by Medical Board consisting of three Medical Officers of which one being CMS of the Division. In pursuance of the said directions, the respondents, vide their letter dated 16.07.2015, directed the applicant to attend the re-medical examination by the Medical Board at CMS/O/MAS @ MS as a special case on 23.07.2015. However, since the said letter was posted on 21.07.2015, the applicant could receive the same on 27.07.2015 and as such, the applicant could not appear before the Board on the date fixed, i.e. on 23.07.2015. Accordingly, by

intimating that the letter dated 16.07.2015 was received by him only on 27.07.2016, the applicant made representations vide Annexure A/10 (colly.) requesting to fix another date for his medical examination. However, as the respondents have not passed any order thereon, he filed the present O.A.

3. In the circumstances, the OA is disposed of without going into the merits of the case, by directing the 4th respondent to consider Annexure A/10 (colly) representations of the applicant and to pass an appropriate speaking and reasoned order thereon, within thirty days from the date of receipt of a copy of this order, in accordance with law. No costs.

Let a copy of this O.A., be enclosed to this order.

(Dr. B.K. Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

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