

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.100/3889/2015

Friday, this the 19th day of August 2016

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Dushmanta Meher
s/o Mr. Rajiv Lochan Meher
r/o Room No.5, House No.213/7
Munirka, New Delhi

Permanent r/o
Ward No.3, Meher Nivas
Near Kali Mandir Kuchinda
Distt. Sambalpur
Orissa

..Applicant

(Mr. Pratap Sahani, Advocate)

Versus

1. Union Public Service Commission
Through its Secretary
Dholpur House, Sahajan Road
New Delh – 110 069
2. Union of India (Ministry of Railways)
Through Deputy Director, Estt. (Gaz. Rectt.)
Railway Board
Rail Headquarter
Govt. of India, New Delhi

..Respondents

(Mr. Rajinder Nischal, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

Admittedly, the applicant had qualified the Engineering Services Examination, 2014 conducted by the Union Public Service Commission. He was placed in the select list but has been denied appointment on account of the dispute regarding the permanency or otherwise of the disability suffered by him. The applicant's certificate dated 10.06.2013 (Annexure P-7), wherein his disability is assessed as 58% but mentioned as 'temporary',

has been rejected. The applicant thereafter produced another certificate dated 10.08.2015 (Annexure A-8), which indicates his disability as 61% and 'permanent' in nature. The certificate also shows that there is no likelihood of improvement. This certificate has not been considered by the respondents.

2. In this view of the matter, we are of the considered opinion that the controversy can be resolved by referring the applicant to a fresh Medical Board. The Railway Board would constitute fresh Board of doctors from a reputed Government Hospital, excluding the doctors from Railways. In the event the disability suffered by the applicant is 'permanent' in nature and above the prescribed limit, the appointing authority shall issue him the appointment letter on the basis of his selection. In such an eventuality, he will rank in the seniority list on the basis of his merit achieved in selection process. The entire exercise be completed within a period of two months from the date of receipt of a copy of this Order.

3. The O.A. stands disposed of. No costs.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

August 19, 2016
/sunil/