

**Central Administrative Tribunal
Principal Bench**

OA-4052/2016

New Delhi, this the 12th day of January, 2018

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Praveen Mahajan, Member (A)

Brajesh Kumar,
S/o Sh. Parshuram Prasad,
Aged about 32 years,
R/o Agamkuan, Chhoti Pahari,
PO Bari Pahari,
Near Sahara India, District Patna,
Bihar-800007,
Presently residing at
C/o First Flight Couriers Limited,
Office No. 06-07, 1st Floor, Begampur
Khatola Move, Behrampura Industrial Area Road,
Gurgaon, Haryana.

Applied for the Post of Assistant Loco Pilot
In Northern Railway.

... Applicant

(through Ms. Aishwarya Bhati)

Versus

1. Northern Railway, through its General Manager,
Baroda House, New Delhi.

2. Ministry of Railways, through its Secretary,
Rail Bhawan, Rafi Marg, New Delhi.

... Respondents

(through Sh. R.N. Singh)

ORDER(ORAL)

Hon'ble Mr. Justice Permod Kohli

Despite last opportunity on payment of cost, counter has not been filed.

2. Heard learned counsel for the parties.

3. Vide advertisement notice dated 18.01.2014, the applicants were notified for the post of Assistant Loco Pilots and Technician categories. The applicant claiming to be eligible, applied for the post of Assistant Loco Pilot in OBC category. He was allotted Roll Number 34087821. Exam for the said post was held on 29.06.2014 at Chandigarh in which the applicant participated. The result of the examination was declared on 07.01.2016 and the applicant was declared successful. He was given provisional appointment vide letter dated 08.01.2016. Inclusion of the applicant's name in the provisional select list was subject to medical fitness at the Railway Medical Department as per the condition laid down in the advertisement notice itself. The applicant was subjected to medical examination and found to be suffering from substandard vision, as is evident from the medical certificate dated 03.03.2016 impugned herein. The applicant preferred an appeal against the same to the CMD HQRs. on 04.07.2016. The appeal of the applicant has also been rejected vide order dated 15.11.2016 declining the prayer for further medical examination by AIIMS, New Delhi on the ground that the examination has already been conducted by three Doctors Committee. The applicant has impugned this medical certificate dated 03.03.2016 as also the rejection order dated 15.11.2016 in the present OA. The appellate authority has rejected the plea of the applicant for further examination by Expert Doctors from AIIMS only on the ground that the applicant was examined by three Doctors committee. No other reason has been recorded. The applicant vide his representation/appeal sought his examination by experts from AIIMS.

4. We are of the opinion that if another expert opinion is obtained from the expert Doctors from AIIMS, it will not be to the disadvantage of the respondents. Under the above circumstances, this OA is disposed of with a direction to the respondents to refer the applicant to Rajendra Prasad Eye Hospital, AIIMS, at

New Delhi with request to constitute a Board of at least three Doctors for conducting the medical examination of the applicant. The said Board will furnish its opinion to the respondents within a period of fifteen days from the date of medical examination of the applicant. The respondents would act on the basis of the opinion of the Doctors and pass appropriate order within one month from the date of receipt of the opinion. The Board, through the respondents will communicate the date of medical examination to the applicant well in advance.

(Praveen Mahajan)
Member (A)

(Justice Permod Kohli)
Chairman

/ns/