

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00223/2018

Friday this the 23rd day of March, 2018

CORAM:

**Hon'ble Mr. U. Sarathchandran, Judicial Member
Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member**

Ajith .S
S/o.Sasidharan Nair
Panthakkal House, Poonjar P.O
Kottayam-686 581 **Applicant**

(By Advocate – Mr.Harikumar.G.Nair)

V e r s u s

1. The General Manager, Southern Railway
Headquarters Office, Park Town P.O
Chennai-660 003
2. Chief Medical Director
Southern Railway, IV Floor
Moore Market Complex, Park Town,
Chennai-600 003
3. Senior Divisional Medical Officer
Southern Railway Headquarters Hospital
Perambur, Chennai-600 023
4. Senior Divisional Medical Officer
Divisional Railway Hospital, Olavakkot
Palakkad – 678 009
5. Chief Medical Superintendent
Divisional Railway Hospital, Olavakkot
Palakkad – 678 009 **Respondents**

(By Advocate – Mr.Thomas Mathew Nellimoottil)

This Original Application having been heard on 23.03.2018, the
Tribunal on the same day delivered the following:

ORDER (ORAL)**Per: Mr. U.Sarathchandran, Judicial Member**

Applicant is a candidate for selection by direct recruitment to the post of Assistant Station Master under the respondents Railway. His grievance is that although he was medically examined by the Railway medical authorities, the result of the medical examination was not communicated to him so far and hence he is not in a position to take further steps like appeal etc as provided for in Indian Railways Medical Manual Volume I and seek appropriate remedies from such authorities. The relief he seeks in this O.A are as under:

“ 1. To declare that the applicant is entitled to be appointed as Assistant Station Master on the basis of Annexures A2 to A5;

2. To direct the 1st respondent to appoint the applicant as Assistant Station Master on the basis of the selection already conducted;

3. To direct the respondents to re-examine the applicant by an appropriate medical authority for absorption as Assistant Station Master; and

4. To grant such other relief as this Tribunal may deem fit to grant.”

2 A statement was filed by learned standing counsel for the Railways, wherein the relevant portions of para 3 & 5 read:

“ 3. It is respectfully submitted that the applicant was also directed to appear on 06.02.2018 at Railway Hospital, Perambur for detailed cardiological evaluation and for opinion regarding fitness for Aye Two category as Ass. Station Master. Thereafter, the Cardiologist has given the opinion that in view of S/P Atrial Septal Defect (ASD) closure, dilated Right Atrium (RA)/Right Ventricle (RV) / Pulmonary Artery (PA) and incomplete Right Bundle Branch Block (RBBB) in ECG, he is unfit for appointment. As per Railway Board letter No.2014/H/58 (Policy) dated 7.7.2017 Medical Committee of 3 doctors was constituted by CMS/PGT, the committee after detailed evaluation based on cardiologist's opinion has recommended

that he is unfit for the category of Asst. Station Master (AYE Two category) in view of A/P ASD closure, dilated RA/RV/PA and incomplete RBBB in ECG. The recommendation of the committee was accepted by CMS/PGT and he was declared unfit in AYE Two Category. The same was advised to the personnel branch and the unfit Medical Certificate sent to them, for further necessary action.

5. xxxxxxxx the decision of making Sri.Ajith.S unfit is taken on the basis of expert cardiologist opinion at Railway Hospital, Perambur. The cardiologist at Railway Hospital, Perambur has given the opinion after considering the safety category nature of the job and his cardiological status. “

3 As per the provisions of Indian Railways Medical Manual, applicant is entitled to file an appeal to the appropriate authority. For this purpose, the result of the medical examination he has so far undergone needs to be communicated to the applicant. It appears that the applicant has not received any such communication from the respondents. Therefore, we direct the respondents to communicate the result of the medical examination he has undergone so far to the applicant within one week from the date of receipt of a copy of this order. Thereafter the applicant may prefer appeal to the appropriate authority if he chooses, as provided for in the IRMM. The appropriate authority of the respondents shall consider the appeal and the decision taken shall be communicated to the applicant within one month from the date of receipt of such appeal.

4. The Original Application is disposed of as above. No costs.

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(U.SARATHCHANDRAN)
JUDICIAL MEMBER**

List of Annexures

Annexure A-1 - A true copy of the offer of appointment No.J/P 268/VIII/ASM/Vol.XV dated 14.12.2017

Annexure A-2 - A true copy of the Echcardiography report issued by Lakshmi Hospital, Ernakulam dated 20.2.2018

Annexure A-3 - A true copy of certificate issued by the Department of Cardiology, Lakshmi Hospital, Ernakulam dated 20.2.2018

Annexure A-4 - A true copy of certificate dated 21.2.2018 issued by the Dept. of Cardiothoracic Surgery, Govt Medical College, Kottayam

Annexure A-5 - A true copy of certificate dated 30.1.2018 issued by the Dept. of Cardiology, Govt Medical College, Kottayam
