

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/670/2017

Date of decision: 27.07.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

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Parvesh Kumar son of Sewak Ram, aged 29 years, resident of Village Mundi Kheri, Tehsil Rampur, District Saharanpur, Uttar Pradesh-247541. (Post of Assistant Loco Pilot and Technician published (Group C).

**... APPLICANT
VERSUS**

1. General Manager, Northern Railway, Baroda House, New Delhi.
2. The Chief Health Director, Head Office, Northern Railway, Baroda House, New Delhi.
3. Divisional Personal Officer, Northern Railway, DRM Office, Ambala Cantt.
4. Medical Examiner, Divisional Railway Hospital/Northern Railway, Ambala Cantt.

... RESPONDENTS

PRESENT: Sh. Rajender Kumar, counsel for the applicant.
Sh. Lakhinder Bir Singh, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed by the applicant impugning order dated 19.09.2016 (Annexure A-3), whereby he was declared unfit for the post of Assistant Loco Pilot and Technician, in medical category AYE One due to macular degeneration, right eye.

2. After exchange of pleadings this Court on the statement of counsel for the applicant, directed Director PGIMER, Chandigarh, to constitute a Joint Medical Board to examine the applicant and submit its report.

The order reads as under:-

1. Heard learned counsel for the parties.
2. The applicant was declared unfit in medical examination by the respondents for the post of Assistant Loco Pilot which falls in medical category A-1. Subsequent to that, the applicant got himself examined from PGIMER, Chandigarh who issued a certificate (Annexure A-4) declaring him "Normal". Based upon two opinion, learned counsel for the applicant submitted that let Joint Medical Board consisting the doctors of PGIMER and Railways from Ophthalmology department may be constituted, who will examine and submit its report. He further argues that the applicant will be abide by the opinion to be given by the board. He also submitted that the applicant will bear all the expenses for this purpose. Though this plea is resisted by learned counsel for the respondents based upon the policy, but in the interest of justice, fair play and to meet the end of justice, we deem it appropriate to pass an order directing the respondents to get the applicant medically examined from a Joint Medical Board consisting of doctors of Ophthalmology department from PGIMER as well as of Railways. Therefore, we direct the respondents to immediately move a request to PGIMER, who is also directed to constitute a joint medical board of two doctors from PGIMER and doctors from Railways other than those who have examined the applicant. The applicant may also be informed regarding the expenses for constituting Medical Board prior in time. If the applicant will agree to pay the amount, then he be examined from the Joint Medical Board as directed.
3. Copy of the order be given to learned counsel for the parties.
4. The Registry is also directed to forward a copy of this order to Director, PGIMER, Chandigarh.
5. List on 05.04.2018.

3. Pursuant to direction of this Court, the PGIMER constituted a Board and has submitted report, as per which the applicant has been found fit, for the relevant post.
4. Counsel for the respondents submitted that since respondents are not yet in receipt of that report, therefore, they be given a chance to

reconsider the case of the applicant in the light of report submitted by PGIMER.

5. In view of the above, the O.A. is disposed of with a direction to the respondents to reconsider the case of the applicant for appointment in terms of medical report submitted by the Medical Board constituted by PGIMER, as per direction of the Court, within a period of six weeks from the date of receipt of a copy of this order. If applicant is found suitable, he be offered appointment, otherwise a reasoned and speaking order be passed, which be duly communicated to him. We will appreciate if the respondents give applicant an opportunity of hearing also while reconsidering his case.
6. Office is directed to provide original copy of the indicated report to counsel for the respondents, after retaining a photocopy on the file. The parties are left to bear their own costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 27.07.2018.
Place: Chandigarh.

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