

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 14th day of June Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/81/2016

Smt. M. Malliga,
D/o. late M. Santhanam,
No.66/71, Meetu Street,
Athipattu, Ambattur,
Chennai- 600 058.

.....Applicant

(By Advocate : M/s. Ratio Legis)

VS.

1. Union of India Rep. by
The General Manager,
Southern Railway,
Park Town, Chennai;

2. The Sr. Divisional Personnel Officer,
Chennai Division,
Southern Railway,
Chennai- 600 003.

... ..Respondents

(By Advocate: M/s. A. Abdul Ajees)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard both sides. The O.A has been filed by the applicant seeking the following reliefs:-

“to call for the records related to order No. M/PB/CS/22/Cl.III dated 02.07.2015 made by the 2nd respondent and to quash the same and to direct the respondents to consider the applicant’s candidature for appointment for the categories coming under BEE Two to CEE Two.”

2. It is submitted that the applicant was offered compassionate appointment to Group-C service following the death of her father on 30.08.2010. However, the authorities rejected her case subsequently stating that the applicant was medically unfit for category AYE two and below which included B & C categories also which meant that she was unfit to hold even a clerical post.

3. Learned counsel for the applicant draws attention to Annexure-A/3 certificate issued by a private hospital stating that the applicant had cortical peripheral cataract, not hampering vision and she was fit to join duty and attend normal activity. It is accordingly prayed that the respondents be directed to consider her for Group C clerical post.

4. Learned counsel for the respondents, on the other hand seeks to point out that in the Annexure-R1 certificate dated 28.10.2014 produced by the applicant herself from a private Doctor, it was indicated that the applicant was suffering with 'Presbyopia' and her vision had improved considerably

after treatment. She was unfit for Indian Railways and fit for operational duties.

5. At this stage, the learned counsel for the applicant would submit that since the certificate referred to by the respondents was contradictory and it is not clear if it indeed pertained to the applicant's case, the applicant would wish to make further inquiries and pursue the matter with the railway authorities. She may accordingly be permitted to withdraw this OA with liberty to file a fresh OA after exhausting all departmental remedies.

6. Keeping in view the above submission, the applicant is permitted to withdraw this O.A. with liberty to pursue the matter with the authorities, if necessary after consulting a reputed Ophthalmologist. If the applicant is still aggrieved thereafter, legal recourse shall be open to her.

7. The O.A. disposed of as above. No order as to costs.

(R. RAMANUJAM)
MEMBER(A)

asvs.

14.06.2018