

**Central Administrative Tribunal
Madras Bench**

OA/310/00719/2018

Dated Tuesday the 19th day of June Two Thousand Eighteen

P R E S E N T

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

A. Palaniraj
No. 2/7, Nagaiyapuram
Alappalachery Post
Peraiyur Taluk
Thirumangalam City
Madurai District
Tamil Nadu – 625 704.

.. Applicant

By Advocate **M/s. T. Surendran**

Vs.

1. The Regional Recruitment &
Training Officer/Commandant
Coast Guard Region (East)
Near Napier Bridge
Chennai 600 009.
2. Lt/Lt Cdr
Recruitment Officer/Commanding Officer
INS Chilka (NRE)
PO Chilka
District Khurda
Odisha – 752 037 (Orissa-37)

.. Respondents

By Advocte **Mr. K. Rajendran**

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following reliefs:-

“1. Set aside the impugned rejection order dated 20.04.2018 passed in reference No. END/CH/U/218/533 in rejecting the applicant from being selected as Indian Coast Guard Navik (DB)

2. To direct the respondents to give another opportunity to the applicant to undergo Medical Test and appoint him as Navik (DB) in the Indian Coast Guard

3. To direct the respondents to keep one post of Navik (DB) in the Indian Coast Guard vacant for the applicant till the disposal of the present OA.

4. To direct the respondents to grant him appointment in the subsequent recruitments by giving him age relaxation.”

2. It is submitted that the applicant was selected for appointment to the post of Indian Coast Guard Navik in the respondent organisation after which the applicant was subjected to medical examination. The applicant is aggrieved against the finding that he was unfit for enrolment in the Navik due to hypertension-tachycardia. It is alleged that the applicant had subjected himself to examination by private doctors who found his blood pressure normal. Accordingly, it is submitted that the applicant could not be disqualified based on a one time finding which is against the principles of natural justice.

3. Mr. K. Rajendran takes notice on behalf of the respondents.

4. On perusal, it is seen that the applicant has not referred to any rule or

procedure of the respondents with regard to the remedy available in such cases. It is for the applicant to represent to the competent authority seeking a second medical examination and for the authorities to consider the same sympathetically to ensure that no injustice is done to the applicant.

5. As the applicant has claimed that the findings by private doctors point to normal health, the authorities are directed to examine the rules to see if there is any provision for appeal or second medical opinion in such cases and if so, subject the applicant to a re-medical examination before taking a final view on his candidature. This direction shall not be viewed as an endorsement by the Tribunal of the applicant's claim regarding his fitness.

6. OA is disposed of at the admission stage as above.

(R.Ramanujam)
Member(A)
19.06.2018

AS