

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.203/00557/2016

Jabalpur, this Tuesday, the 3rd day of July, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

E.Laxman Rao, S/o Late E.Y.Ram Murthy, Aged about 43 years,
Presently working as Junior Clerk/Commercial/SECR/BSP,
R/o Qtr. No. 4/5, NE Colony, Bilaspur-495004 **-Applicant**
(By Advocate –**Shri A.V.Shridhar**)

V e r s u s

1. Union of India-Through the Secretary,
Railway Board, Rail Bhawan, New Delhi-110001

2. General Manager, South East Central Railway,
New GM Building, Bilaspur, Chhattisgarh-495004

3. Senior Divisional Commercial Manager,
South East Central Railway, New Zonal Building,
First Floor, D-Block, Bilaspur, Chhattisgarh-495004

4. Assistant Personnel Officer (HQ),
South East Central Railway,
Bilaspur (C.G.)-495004

-Respondents

(By Advocate –**Shri R.N.Pusty**)

(Date of reserving the order:- 18.04.2018)

O R D E R

By Navin Tandon, AM:-

The applicant is aggrieved against the order dated 18.03.2016 (Annexure A-1), by which his request for medical re-examination during service has been turned down.

2. The following relief has been sought for by the applicant in this Original Application:-

“8. Relief Sought :

(8.1) That, the learned Tribunal may kindly be pleased to quashed the order dated 18.03.2016 (Annexure A-1).

(8.2) That, the Hon’ble Tribunal may kindly be pleased to direct the respondent No.3 to forward the case of the applicant for re-examination in light of letter dated 26.10.2015 (Annexure A-6).

(8.3) Any other relief which the learned Tribunal deems fit and proper may be awarded.”

3. The undisputed facts of the case are that the applicant, while working in the category of Ticket Checking Staff, suffered a stroke. Resultantly he was medically de-categorized on 23.07.2013 and posted as Junior Clerk on 17.09.2013.

3.1 Subsequently, there was improvement in his health, and therefore he approached the respondent department for his medical re-examination and posting in the original cadre of TTE.

3.2 Since this was an unusual case, correspondence was held between Commercial, Personnel and Medical Department, but no decision could be taken.

3.3 Subsequently, the Personnel Department of Bilaspur Division made a reference to the Head Quarter on 25.02.2016 (Annexure R/1). The Personnel Department of the head quarter office at Bilaspur decided against medical re-examination and

communicated the same on 18.03.2016 (Annexure A/1), the contents of which are as under:-

“ After going through the case it is found that the staff in the instant case declared unfit in medical category B-2. he was found fit for alternative jobs in medical category C-1 & below, hence he was absorbed for the post of Jr. Clerk.

No such provisions exist in IREM, in regard to re-examination of a medically de-categorized staff again for the original post at a later stage.

As per para 514 of IRMM-I, staff in category C-1 and C-2 will not be required to undergo any re-examination during the course of their service, unless specifically directed.”

In view of the above staff may be intimated accordingly.”

4. We have heard both the parties and perused the pleadings available on record.

5. The entire work force in the respondent department-railways is divided into several separate cadres, depending upon qualification, medical standard etc. Each of them has their own seniority.

5.1 In case of an employee encountering health problems his case is sent to the medical department for re-examination. In case the employee does not have the medical standards required for the post in which he is working, he is medically de-categorised.

5.2 Railways have framed their own rules as per which the medically de-categorised staff is given alternate posting, depending

upon his qualification and medical standards. As a staff welfare gesture, the seniority and pay is protected in such cases.

5.3 Upon medical de-categorisation, once an offer is made by the respondent department and accepted by the applicant to take up an assignment in new seniority group, his link with the earlier cadre is severed.

5.4 There is no provision in the railway rules wherein the employee in medical standard C1 and C2 can be medically re-examined for higher medical standards.

6. We find no fault in the decision of the respondent department in refusing to medically re-examine the case.

7. Accordingly, the Original Application is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member
rn

(Navin Tandon)
Administrative Member