



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/128/2017

Date of order : 14.2.2017

Present: Hon'ble Mr.A.K.Patnaik, Judicial Member
Hon'ble Ms.Jaya Das Gupta, Administrative Member

MOUSUMI ROY (MANDAL)
D/o Late Sadhan Roy,
R/o 22/2F, Ganguly Para Lane,
Kolkata - 37, who has been
declared successful in the
examination conducted by the
Railway Recruitment Cell,
Eastern Railway, Kolkata
to the post of Pay Band - I
in the pay scale of Rs.5200-20200
with Grade Pay of Rs.1800/-
in the Eastern Railway, Kolkata
in terms of Employment Notice
No. 0110/2010.

APPLICANT

VERSUS

1. Union of India, through
The General Manager,
Eastern Railway, Kolkata
17 N.S. Road, Fairlie Place,
Kolkata - 700001
2. The Chairman,
Railway Recruitment Cell,
Eastern Railway,
56 C.R.Avenue,
Kolkata - 700012.
3. The Asst. Personnel Officer (Recrtt)
Railway Recruitment Cell,
Eastern Railway,
56 C.R.Avenue,
Kolkata - 700012.
4. The Divl. Railway Manager,
Eastern Railway,
Howrah Division,
P.O. & Dist. Howrah,
Pin - 712201.
5. The Chief Medical Superintendent,
Eastern Railway,
17 N.S. Road,
Fairlie Place,
Kolkata - 700001.
6. The Chief Medical Director,
Eastern Railway,
17 N.S. Road,

Fairlie Place,
Kolkata - 700001.

7. The Asst. Personnel Officer (2)
Eastern Railway,
Howrah Division,
P.O. & Dist. - Howrah,
Pin - 712201.

RESPONDENTS

For the applicant : Mr.P.C.Das, counsel
Ms. T.Maity, counsel

For the respondents: None

O R D E R

Ms. Jaya Das Gupta, A.M.

Heard Mr.P.C.Das, Id. Counsel along with Ms. T.Maity, Id. Counsel appearing for the applicant.

2. The applicant in this case has approached CAT under Section 19 of the

A.T.Act seeking the following reliefs :

- a) To quash and/or set aside the impugned office order No. E/Rect/CI.IV/RRC dated 13th March, 2014 by which your applicant has been declared medically unfit and liberty was given to the applicant to prefer an appeal before the Chief Medical Director, Eastern Railway, Kolkata being Annexure A/6 of this original application;
- b) To pass an appropriate order directing upon the respondent authority to recommend the name of the applicant for appointment to the post of Pay Band-I in Pay Scale of Rs.5200-20200 with Grade Pay of Rs.1800 in terms of Employment Notice No. 0110/2010 published by the Railway Recruitment Cell, Eastern Railway who has been declared successful both in the written examination as well as Physical Efficiency Test by holding a review medical examination of the present applicant in the light of her appeal dated 2.4.2014 and reminder dated 4.4.2016;
- c) To pass an appropriate order directing upon the respondent authority to consider the appeal preferred by the applicant dated 2nd April, 2014 before the Chief Medical Director, Eastern Railway, Kolkata as well as her reminder dated 4.4.2016 before the authority for re-medical examination for considering her appointment to the post of Pay Band-I in Pay Scale of Rs.5200-20200 with Grade Pay of Rs.1800 in terms of Employment Notice No. 0110/2010 published by the Railway Recruitment Cell, Eastern Railway.

3. The impugned order dated 13.3.14 is as follows :

EASTERN RAILWAY

No.E/Rect/CI.IV/RRC

HWH, dt. 13th March, 2014

To

Mousumi Roy (Mandal)(Roll No.43154112)
D/O Late Sadhan Roy,
22/2F Ganguly Para Lane,
Kolkata - 700037.

Sub : Review of medical examination in favour of medically unfit candidates.

Ref: Chairman/RRC's letter dt. 26.7.13 regarding above subject matter..

Vide RRC/ER.Kolkata's E.No.0110, you were advised to report to the OFFICE OF SR. DIVISIONAL PERSONNEL OFFICER, DRM BUILDING, EASTERN RAILWAY, HOWRAH (W.B.), PIN - 711101 on 9.2.13 for completion of your medical examination. In response of that you were present on 9.2.13 for your medical examination and subsequently you were sent to CMS/HWH for your medical examination.

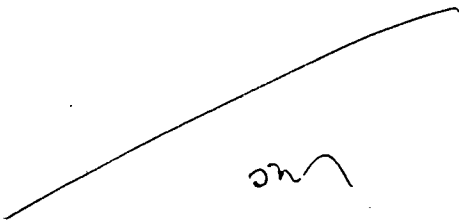
But, as per medical certificate issued by CMS/HWH vide No. 713265, dt. 11/18.2.13 it was seen that you had been declared unfit in all categories. Hence your medical status report was sent to RRC office.

Chairman/RRC vide letter dt. 26.7.13 had advised this office to review the medical examination in favour of medically unfit candidates.

Subsequently, opinion has been obtained from CMS/HWH for re-medical examination to review the judgment of Railway Medical Authority anticipatory within one month from the date of issue of this letter with certificate of Registered Medical Practitioner in your favour mentioning the fact that **it has been given in full knowledge of the fact that the candidate has already been rejected as unfit for service by the medical authority appointed by the Government in this behalf.**

4. We see from the above order that she has been given a chance to appear for re- medical examination before any Registered Medical Practitioner to review the judgment of Railway Medical Authority anticipatory within one month from the date of issue of above letter with the certificate mentioning the fact "It has been given in full knowledge of the fact that the candidate has already been rejected as unfit for service by the Medical Authority appointed by the Government in this behalf."
5. It is her grievance that an appeal had been made on 2.4.14 before the Chief Medical Officer, Eastern Railway, Calcutta for re-medical examination which is as follows :

"To
CMD,
Kolkata,
Eastern Railway.



Through CMS HowrahSub : Request for Re-Medical Examination.

Respected Sir,

With due respect I want to state that I have received a letter from APO (2) Howrah, Eastern Railway for appealing to review the judgment regarding re-medical examination in my favour.

I am medically unfit candidate as my medical examination was held on 9.2.2013 at CMS Howrah, Chairman/RRC vide letter dt. 26.7.2013, had advised to review the medical examination for medically unfit candidates. So, Sir I have gone through the medical examination from registered medical practitioner and submitting the necessary documents and certificates in original along with this application.

I shall be ever grateful for considering my appeal and give me a chance for the service as per your rules & regulations.

Thanking you,

Yours faithfully,

MOUSUMI ROY (MANDAL)
Roll No. 43154112

Encl : Submitting medical certificates in original
Dt. 2.4.2014."

From the medical certificate submitted by her it appears that the certificate required by the Railway Authorities as mentioned in their letter dated 13.3.2014 is not cited in the medical certificate given by Susrut Eye Foundation and Research Centre.

6. As per the submission of the Id. Counsel for the applicant he will be happy if the respondent authorities give a reply to such representation made by the applicant.

7. Hence it is ordered that a copy of our order shall be served upon the appropriate respondent authorities along with a copy of the OA within 15 days of getting a copy of this order and the respondent authorities shall consider her representation within two months thereafter and give a reasoned and speaking order after a week.

8. The OA is disposed of accordingly. No costs.

(JAYA DAS GUPTA)
MEMBER (A)

(A.K.PATNAIK)
MEMBER (J)