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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA. 350/141/2018

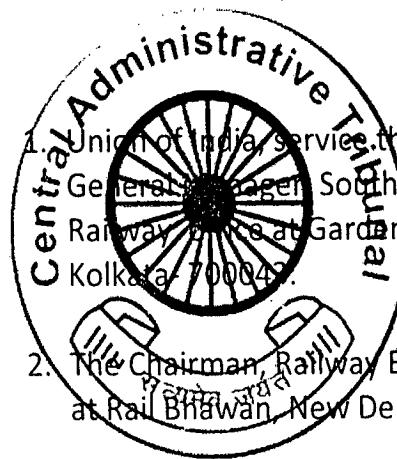
Date of Order: 25.06.2018

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

Somnath Halder, son of Sri Chittaranjan Halder, aged about 32 years, residing at Village- Ramdhari, Post Office- Doltala Ghola, Police Station- Baruipur, Dist- South 24 Parganas, West Bengal, Pin- 743376.

.....Applicant.

-versus-



1. Union of India, service through General Manager, South Eastern Railway, office at Garden Reach, Kolkata- 700043.
2. The Chairman, Railway Board, office at Rai Bhawan, New Delhi- 1.
3. Railway Recruitment Cell, South Eastern Railway service the Chairman, Office at 11, Garden Reach Road, Bungalow No. 12A, Kolkata- 700043.
4. Chief Personnel Officer/Recruitment, Railway Recruitment Cell, South Eastern Railway, office at 11, Garden Reach Road, Bungalow No. 12 A, 1st Floor, Kolkata- 700043.
5. Deputy Chief Personnel Officer/Rect. Railway, Recruitment Cell, South Eastern Railway, Office at 11, Garden Reach Road, Bungalow No. 12 A, 1st Floor, Kolkata- 700043.
6. S.D. G.M./South Eastern Railway, office at Railway Recruitment Cell, South

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Eastern Railway, office at 11, Garden Reach Road, Kolkata- 700043.

7. The Assistant Personnel Officer (Recruitment), Railway Recruitment Cell, South Eastern Railway, office at 11, Garden Reach Road, Bungalow No. 12A, Kolkata- 700043.

.....Respondents.

For the Applicant : Mr. D. N. Bose, Counsel
Mr. S. Choudhury, Counsel

For the Respondents : Mr. C. S. Bag, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member

Heard both.

2. The applicant has preferred this OA under section 19 of A.T. Act, 1985, seeking the following reliefs:

"8(a) An order do issue directing the respondents authority specifically the respondent no. 2 (iv) to 2 (v) to rescind, cancel and set aside and/or quashed the impugned order vide memo no. SER/RRC/2/2012 dated 24.10.2017 issued by the Assistant Personnel Officer (Rectt.) for Chairman/RRC/S.E. Railway as Annexure "A-5" to the application for rejection of candidature of the applicant for the posts in question in terms of notification for vacancy No. SER/RRC/2/2012 dated 29.12.2012.

(b) An order do issue directing the respondents authority to issue letter of appointment in favour of the applicant to the post in question in terms of notification for vacancy No. SER/RRC/2/2012 dated 29.12.2012 forthwith.

(c) And/or pass such other order or orders as your Lordship may deem fit and proper."

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3. The applicant is aggrieved as the Medical Director of Central Hospital, S. E. Railway, Garden Reach has declared him unfit for A2 to C1 and all jobs of Indian Railways by a certificate issued on 30.08.2017. The said certificate has been issued on the basis of the report of Sankar Netralaya, Kolkata which reads as under:

"Follow Up/Action Plan

History noted: referred from railway hospital for opinion. No family history of any ocular disease. Slit lamp examination both eyes as noted. both eyes faint diffuse grey white opacities at predescemets level seen on slit section. Clinical impression- possibility of both eyes Pre Descemets corneal dystrophy. This condition has no definite pattern of inheritance, it can be sporadic. This condition is generally nonprogressive, although some forms rarely demonstrate progression. It usually requires no treatment. To observe. Review as and when required/6 months."

4. Despite Sankar Netralaya certifying that the condition is "nonprogressive", the Medical Director having opined that in some cases it will be progressive, treated the applicant as in progressive condition and certified him as "unfit".

5. On the basis of such comments by the Medical Director which does not tally with the report of Sankar Netralaya, as referred to supra, applicant's case has been rejected.

6. However, no representation has been preferred by the applicant to the Medical Director for reconsideration of the matter in view of Sankar Netralaya Certificate.

7. Therefore, for the ends of justice, I dispose of the OA with a direction upon the applicant to prefer a comprehensive representation to the appropriate authority for reconsideration of his case on the basis of the report of Sankar Netralaya dated 19.08.2017 as contained in Annexure A-6 to the OA, within a period of 15 days from the date of receipt of the copy of this order.

8. Upon receiving such representation, the Medical Director or any other competent authority would if required, examine the applicant again and issue appropriate orders in accordance with law and communicate the decision to the applicant forthwith.
9. The entire exercise shall be completed within 3 months from the date of communication of this order.
10. Accordingly, OA would stand disposed of. No order is passed as to costs.

(Bidisha Banerjee)
Member (J)

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