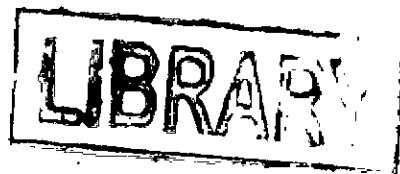


CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



OA/350/328/2018

Date of Order: 14.05.2018

Coram : Hon'ble Mrs. Manjula Das, Judicial Member

Shri Jaladhar Sardar son of Sri Shyam Sardar, aged about 50 years, working as COS/SSE/PW/BRP, Eastern Railway at Baruipur under Sealdah Division and residing at 22B, Sreepaly, DP Nagar, P.S Belgharia, Kolkata - 700056.

-----Applicant

-versus-

1. Union of India service through the General Manager, Eastern Railway, Fairlie Place, 17, Netaji Subhas Road, Kolkata - 700001.
2. The Chief Personnel Officer, Eastern Railway, Fairlie Place, 17, Netaji Subhas Road, Kolkata - 700001.
3. The Chief Medical Director, Eastern Railway, New Koilaghat Street, Kolkata 700001.
4. The Sr. Divisional Personnel Officer, Eastern Railway, Sealdah, Kolkata 700014.
5. Sr. DMO, (G) / Sealdah, B.R Singh Hospital, Eastern Railway, Kolkata 700014.

--Respondents

For the Applicant : Mr. J.R Das, Counsel  
: Ms. T. Maity, counsel

For the Respondents : None

O R D E R(Oral)

Per : Mrs. Manjula Das, Judicial Member:

The applicant has approached this Tribunal praying for the following relief:

- (i) An order directing the respondents to construct a due Medical Board equipped with all modern facilities for due re-medical examination of eyes of the applicant.
- (ii) An order do directing the respondents to review the case of the applicant herein and follow up all the legal formalities of medical decategorization of the applicant for the period of de-categorisation with all sorts of protection of pay for such period along with due element of running allowance due to Asstt. Driver (Elect.) in the interest of justice.
- (iii) An order directing the respondents to cancel, rescind, withdraw or set aside the purported order No. HM/25/E dated 3.12.96 holding the applicant unfit in category A-1, A-2, A-3, B-1, B-2 and fit in C-1 and below category.
- (iv) An order directing the respondents to cancel, rescind, withdraw or set aside the purported order being dated 14.02.1997 to medically

decategorisation the applicant post him as Clerk Gr. II under PWI/BRP from existing post of Asstt. Driver (elect) without undergoing Re-medical examination considering independent medical opinions.

- (v) An order directing the respondents to revise the pay and pay band of the applicant in conformity to the act and rules with all consequential benefits to the applicant in the interest of justice & consider the representation dated 22.9.2017 & give benefits of judgement dated 18.9.2006.
- (vi) An order directing the respondents to produce all relevant records of the case before the Hon'ble Bench for conscionable justice.
- (vii) Any other order or further order/orders and/or direction/directions as to this Hon'ble Tribunal seem fit and proper. "

2. Heard Mr. J.R Das, Ld. counsel for the applicant, assisted by Ms. T. Maity.

3. The facts of the case as submitted by ld. counsel for the applicant that the applicant was initially appointed as an Engine Cleaner vide memo dated 17.10.1989 after he was found medically fit and he was promoted to the grade of 2<sup>nd</sup> Fireman. Thereafter he was directed to officiate as Asst. Driver (Elect.) in the scale of Rs. 950-1500/0 and his pay was fixed @ Rs. 950/-. It is further submitted by the ld. counsel for the applicant that the applicant was further posted at Sealdah but was declared unfit in category A-1, A-2, A-3, B-1, B-2 but found fit in C-1. Ld. counsel for the applicant submitted that the applicant consulted an eye specialists of repute hospital, who were of the opinion that his vision is normal, but the respondent authorities did not conduct re-medical examination and he was medically decategorised and posted as Clerk Gr. II under PW-1/BRP. Being aggrieved by such action of the respondent authorities, the applicant has filed this application seeking the aforesaid reliefs.

4. Ld. counsel for the applicant submits that his present purpose will be served if a direction is given to the respondent authorities to consider the case of the applicant in the light of the decision rendered in O.A No. 800/05 (Annexure A-6 to the O.A) passed by this Tribunal.



5. Hence, without going into the merits of the matter, the respondent authorities, particularly the respondent No. 2&3, are directed to verify as to whether the present applicant is similarly circumstanced to the applicant of O.A No. 800/05 (Annexure A-6 to the O.A). On verification if the present applicant is found similarly situated with the applicant in O.A No. 800/05, similar benefits be extended to the present applicant within a period of 3 months from the date of receipt of this order

6. The O.A is accordingly disposed of. No costs.

(Manjula Das)  
Member (J)

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