

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the 11th day of December, 2018

Present :

**Hon'ble Ms. Ajanta Dayalan, Member-A
Hon'ble Mr. Rakesh Sagar Jain, Member-J**

Original Application No.330/01328/2017

1. Haridass, aged about 56 years, S/o Late Chature (Trackman), R/o Koshi Kalla Near Koshikalla Station, District –Palwal working as Group 'D' under the control of the Member of Engineering, Railway Board, Rail Bhawan, New Delhi.
2. Ajay Singh S/o Haridas, R/o Koshi Kalla Near Koshikalla Station, District – Palwal.

.....Applicants.

By Advocate –Shri D.C. Dwivedi
Shri S.D. Dwivedi

V E R S U S

1. Union of India through Chairman, Railway Board, Rail Bhawan, New Delhi.
2. The Member of Engineering, Railway Board, Railway Bhawan, New Delhi.
3. The Divisional Railway Manager, North Central Railway, Jhansi Division, Jhansi.
4. The Divisional Railway Manager/Personnel, North Central Railway, Jhansi Division, Jhansi.
5. The Chief Medical Officer, North Central Railway, Jhansi Division, Jhansi.
6. The Senior Section Engineer/P. Way, North Central Railway, Morena.

..... Respondents

By Advocate : Shri N. C. Srivastava

O R D E R**By Hon'ble Ms. Ajanta Dayalan, Member-A :**

Heard Shri S.D. Dwivedi, counsel for the applicants and Shri N.C. Srivastava, counsel for the respondents.

2. Learned counsel for the applicants states that the applicants have been denied the appointment in B-1 Category by the Railway on account of being found medical unfit by the Medical Board. However, learned counsel for the applicants has produced the Medical Certificate by CMO, Morena where the applicants resides according to which he is fit.

3. Learned counsel for the respondents submits that there is no provision of second medical in the Railways and Medical Board consisting of three Members has found them unfit in the B-1 category for which the applicants were considered for appointment. Learned counsel for the respondents further submits that the applicants have not exhausted the remedy of appeal against the finding of the Railway Medical Board declaring him unfit.

4. Learned counsel for the applicants submits that they will be satisfied if a direction is given to the respondents' department to consider the representation/appeal of the applicants in accordance with law. Ordered accordingly.

5. The applicants are directed to file a representation/appeal within a period of two weeks from the date of receipt of copy of this order and the

respondents department will take a view on the representation/appeal of the applicants so preferred, as per rules within a period of three months from the date of receipt of the fresh representation/appeal from the applicants as per this order and decision may be communicated to the applicants.

6. With these directions, the OA is disposed off. No order as to costs.

Member-J

Member-A

RKM/