

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...  
**ORIGINAL APPLICATION NO. 060/878/2019 &  
M.A. NO. 60/1349/2019**

**Chandigarh, this the 20<sup>th</sup> day of September, 2019**

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)**

- ...
1. Ms. Gita Rani, w/o Sh. Naveen, R/o VPo Kultana, District, Rohtak, Haryana 124501.
  2. Sh. Vikrant, s/o Sh. Ranbir Singh, R/o House NO. 734, Gail Modlan, VPO Sisana, District Sonipat, Haryana 131408
  3. Sh. Ajay, S/o Sh. Rajender, R/o Village Ramgarh, PO Bibipur, District Jind, Haryana 126102
  4. Sh. Vikash, S/o Sh. Hawa Singh, R/o VPo Badli, near Ladpupr MOD (opp. Shiva Indane Gas Agency), Distirct Jhajjar, Haryana.
  5. Sh. Parmod, s/o Sh. Ram Kumar, R/o VPO Shamsukh, District Hisar, Haryana 1250047.
  6. Sh. Rajan Nishad, S/o Sh. Garjoo Parasad, District Goakhpur, UP 273010.
  7. Sh. Majeet Singh, S/o Sh. Ramphal Singh, R/o VPo Malvi, District Jind , Haryana 126101.
  8. Sh. Abhishek Kumar Sarda, S/o Sh. Satya Narayan, R/o House No. 429, Durga Colony, (Behind bus Stand), near Smile Beauty Parlour, District Hanumangarh, Rajasthan 335512
  9. Sh. Parveen, S/o sh. Mohar Singh, R/o VPo Jui Khurd, District Bhiwani, Haryana 127030.
  10. Sh. Deepak, Kumar, S/o Sh. Satbir, R/o House No. 96, Pana Sikhan Bhoje Wali Gali, VPo Nahari, District Sonipat, Haryana 121103.
  11. Sh. Ravinder Singh, S/o Sh. Satyapal Singh, R/o RZ-26, P/68, Gali No. 4, Indra Park, Palam Colony, Delhi 110045.
  12. Sh. Sunil Kumar, s/o Sh. Raj Singh, R/o Village Mehandipur, Haryana 131027.

....APPLICANTS

(By Advocate: Shri Ashok Chhikara)

VERSUS

1. G.M. , Northern Railways, Baroda House, Dehi-110001
2. ADM , Northern Railways, Baroda House, Dehi-110001
3. Railway Recruitment Board (NR), through Chairman, Chandigarh, Punjab.

....RESPONDENTS

(By Advocate: Shri Sanjiv Dahiya)

**ORDER (Oral)****SANJEEV KAUSHIK, MEMBER (J)**

The present Original Application (O.A.), has been filed by the applicants have seeking quashing of impugned order dated 15.7.2019 (Annexure A-3 colly), whereby the candidature of the applicants for selection to the post of Group-D has been rejected, on the ground of being medically unfit in medical standards A-2 and B-1. The applicants have also made an alternative prayer to direct the respondents to re-examine them by constituting a Medical Board on their own expenses.

2. The learned counsel for applicants submits that though the applicants have been declared ineligible due to medically unfit in category of A-2 and B1, they again got examined themselves from Govt. hospital, where they have been declared medically fit and certificate to this effect has been appended with the O.A. Therefore, he submits that applicants may be re-examined by constituting a Medical Board, on their own expenses.

3. On the previous date of hearing, the following order was passed:-

“Amended cause title filed in the Court is taken on record, on the request of learned counsel for the applicants.

Heard the learned counsel for the applicants, who inter-alia contends, that the applicants have applied for Group-D posts in pursuance of advertisement no. CEN 02/2018 (Annexure A-1). They appeared in the written examination, but they were not offered appointment, vide impugned order Annexure A-3, only on the ground that the vacancies were not available of posts having medical fitness of Bee-two or Cee-one as the same stand occupied by the candidates, who are higher in the merit .

Learned counsel submitted that the applicants have been declared medically unit in category A-2 and B1. They immediately, after declaration of the result, got re-examined from the Govt. Medical

Practitioner in the Govt. Hospital where they were declared fit on these two standards as well. Thus they submitted representation for re-examination of medical which has not been answered by the respondents. He submits that it has also not been disclosed as to what marks were obtained by the candidates in these categories and the marks obtained by the last candidate in merit to whom they offered appointment. He submits that the persons lower in merit than the applicants have been offered appointment and the applicants have been illegally declared unfit in these categories. Thus learned counsel suffers a statement that the applicants are ready to re-appear in the medical test in the category they have been declared unfit.

Issue notice to respondents.

On asking of the Court, Mr. Rohit Sharma, Advocate, present in Court, accepts notice on behalf of respondents. He seeks and is allowed 15 days time to have instructions on the plea advanced by the learned counsel for applicants, as noted above, for re-conducting the medical test of the applicants.

List on 20.9.2019.”

4. Today, Mr. Sanjiv Dahiya, Advocate, appears on behalf of respondents, replacing the earlier counsel, who requested that he be granted time to have instructions from the concerned quarter, which is opposed by the counsel for applicants, on the plea that only a short notice was given, as the selection process is going on and if all the posts filled up, then the right of the applicants will be frustrated. Mr. Dahiya, learned counsel for respondents while accepting the prayer of the applicants, as indicated in the previous order, for re-conducting their medical examination, by constituting a Medical Board, on their own expenses, and decide their claim, they be given 15 days time from the date of receipt of certified copy of this order for doing the needful.

5. In view of the consensual agreement arrived at between the parties, this O.A. is disposed of with a direction to the respondents to re-examine the applicants medically by constituting a Medical Board, for which purpose the expenses will

be borne by the applicants themselves. The applicants will be informed prior in time, the amount/expenses they have to pay for Medical Board and the date when they have to be re-examined by the Board. If the applicants concede to the expenses, then they be examined, on the given date. After report of Medical Board, respondents will reconsider their case and if they are found fit, they be considered for appointment, otherwise reasoned order be passed. The O.A. stands disposed of accordingly. M.A. No. 60/1349/2019 also stands disposed of as such. No costs.

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**Dated: 20.09.2019**  
**SK**



