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CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH KOLKATA

O.A.No.350/00445/2015

Date of Order : 06-01-2016

Present : Hon'ble Mr Justice G. Rajasuria, Judicial Member
Hon'ble Ms Jaya Das Gupta, Administrative Member

Soma Roy Mondal

.....Applicant

-Versus-

Union of India & Ors. (RRC, E.Rly.)

.....Respondents

For the applicants : Mr I. Chakraborty, Counsel
For the respondents : Ms G. Roy, Counsel

ORDER (ORAL)

JUSTICE G.RAJASURIA, JM,

Heard both. This O.A has been filed seeking the following reliefs :

The applicant prays for direction upon the respondents, specially respondent Nos.3 and 4 to allow the appeal dated 18.12.2013 before the Chief Medical Director, South Eastern Railway, Garden Reach, Kolkata, being the respondent No.4 herein, and arrange for a re-medical examination of the petitioner, in connection with the Employment Notice No.SER/RRC/2/2010 dated 15.12.2010.

2. The short point which falls for consideration in this case is as to whether the applicant failed to submit herself for the second medical examination even though she was directed to appear in the said examination by the communication dated 24.01.2014 of the Chairman, RRC.

3. Learned counsel for the applicant would raise a pertinent point that when the applicant is eagerly and earnestly waiting for her appointment, whether she would by any stretch of imagination flouted the direction, if any, for medical examination and that too when she herself got privately medical fitness certificate for re-medical examination by the Railway Medical Examination Board. Learned counsel for the applicant would also state that there is no acknowledgement produced showing that she was directed to appear before the Medical Board for re-medical examination.

4. The learned counsel for the respondents could not produce any acknowledgement showing that the applicant received the direction to her to appear for re-medical examination.



5. The records would reveal that the very letter dated 24.01.2014 sent by the Chairman, RRC to the Chief Medical Director, Central Hospital, Garden Reach, South Eastern Railway would show that such a direction was issued as the applicant preferred appeal dated 21.01.2014 enclosing the fresh disability certificate requesting for medical examination and that itself supports the case of the applicant that she had not committed any default on her part in submitting the appeal with proper re-medical examination certificate, which she obtained privately. In the absence of any acknowledgement having been produced showing that the communication dated 24.01.2014 or any other direction was served on the applicant. Hence we have to give opportunity to submit herself for re-medical examination.

6. With the above observation and finding we direct as under :

The respondent authority concerned on production of a copy of this order by the applicant shall direct her to submit herself for re-medical examination on a specified date and time and get acknowledgement also, whereupon she shall appear before the Medical Board, which is expected to examine her and issue appropriate certificate as per medical principles, rules and regulations and accordingly the matter shall be processed. The entire process shall be completed within a period of two months from the date of receipt of a copy of this order.

O.A is disposed of. No costs.

(Jaya Das Gupta)
Member (Admn)

Justice G.Rajasuria
Member (Judl.)

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