



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A/350/1073/2019

Date of Order: 07.08.2019

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member.
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Narayan Chandra Das, son of years,
working as Drafted Crew Controller under
Senior Crew Controller, Howrah, residing at
Sauli Battala Road, Sauli Battala, P.O
Chandannagar, District Hooghly, Pin
712136.

--Applicant

Vs

1. Union of India, service through the General Manager, Eastern Railway, Fairlie Place, 17, N.S. Road, Kolkata - 700001.
2. Senior Divisional Electrical Engineer (Operation), Eastern Railway, Howrah Division, Howrah, DRM Building, Pin 712101.
3. Senior Divisional Personnel Officer, Eastern Railway, Howrah Division, Howrah DRM Building, Howrah, Pin 712101.
4. Senior Crew Controller, Howrah, Eastern Railway, Howrah Division, Howrah, Near Howrah Station, M.C.O Office, Pin 712101.

--Respondents.

For The Applicant(s): Mr. B. Chatterjee, counsel

For The Respondent(s): Mr. K. Sarkar, counsel

O R D E R (Oral)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. This application has been filed to seek the following reliefs:

"a) An order directing upon the respondent authorities not to finalize the selection for the post of Chief Loco Inspector (Electrical) in terms of the Notification dated 09.04.2019 by the

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Senior Divisional Personnel Officer, Howrah till disposal of the Original Application.

- b) An order directing the respondents to allow the applicant to appear for the Written Examination for the post of Chief Loco Inspector (Electrical) scheduled to be held on 09.08.2019 without prejudice to the outcome of the this instant Original Application.
- c) An order quashing the Eligibility List for selected candidates for the said post of Chief Loco Inspector (Electrical) published by the respondent authorities which does not contain the name of the applicant.
- d) An order directing the respondent authorities to issue Admit/Card Hall Ticket to the applicant for the Written Examination to be held on 09.08.2019 for the post of Chief Loco Inspector (Electrical) immediately.
- e) An order directing the respondents to produce/cause production of all relevant records pertaining to the instant case.
- f) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

3. Ld. counsel for the applicant at hearing would submit that applicant is aggrieved as he has not been allowed to appear in the written examination in terms of notification dated 09.04.2019 (Annexure A-4) for promotion post of Chief Loco Inspector (Electrical) in Level 7, G.P Rs. 4600/- against the vacancy of 15 (UR-10, SC-03, ST-02).

Ld. counsel for the applicant would further submit that the applicant was found eligible on last two occasions/recruitments but this time he has not been permitted to sit for the said written examination. He has preferred representation to the authorities but the same is pending disposal before the authorities, while the examination is scheduled to be held on 09.08.2019 and the O.A shall become infructuous if he is not permitted to appear at the examination.

4. Mr. K. Sarkar, ld. counsel for the respondents produced a medical certificate certifying physical fitness of employee as under ^Bthat:

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(Certificate to be used when an employee is re-examined during service)

I do hereby Certify that I have examined (name) Sri Narayan Chandra Das
24/1/85 an employee serving as (designation) Acc Pilot (Pam)
17/01/85 (A1) in the SD CC/HWH Branch/Department, at (place where
 ed) _____ who presented himself before me for —

Periodical re-examination
Re-examination prior to promotion to class _____ as (designation) _____

Special re-examination. MUST WEAR SPECTACLES WHILE ON DUTY.
No examination for reconsideration. AND POSSESS SPARE PAIR report.

and whose * Signature/Thumb Impression has been appended below in my presence.
I consider him fit for service in class. *Age One (A) 2 below c*

Signature of Railway Medical Examiner

Designation: डी.ए. क्रिस्तास

• **Stark contrast between magnification**

• If it is for service in the class for which examined, state next lower class.

Signature _____ of Employee
Thumb Impression _____

डा. ए. किरतनिया
Dr. A. Kirtania
अपर मुख्य चिकित्सा अधीक्षक (अस्थि)
Addl. Chief Medical Supdt. (Ortho.)
मु. रेलवे/हावा/च. भवन

The certificate demonstrates that *the applicant is fit in A1 and below not involving train working and train passing duties and he will be fit for sedentary job not involving heavy physical work.*

5. Since his representation is pending before the authorities and the applicant claims that he is eligible, respondents are directed to examine the applicant and take a decision whether to allow the applicant to appear at the selection scheduled for 09.08.2019. In the event he is found eligible, he shall be permitted to sit for the written examination to be held on 09.08.2019.

6. In the event he is not found fit to sit for the selection in question, respondents shall pass a detailed reasoned and speaking order within 15 days.

7. O.A accordingly stands disposed of. No costs.

Parties are at liberty to communicate the gist of the order.

(
(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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