

**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 that:

1) One cut mark on right hand near elbow  
 2) One cut mark on left hand elbow.

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PR.M. 14/BN-MIN/1 (new) EASTERN / E. C. RAILWAY Med./C9/Annex-7/App.-3/GRC-R-1  
 MEDICAL DEPARTMENT

Certificate for Physical Fitness of Employee  
 (Certificate to be used when an employee is re-examined during service)

Branch/Dispensary Hazaribagh Serial No. A 369897

I do hereby Certify that I have examined (name) Sri Narayan Chandra Das  
 (Age) 53 years an employee serving as (designation) Loco pilot (Pam)  
 (Class) BIFOCAL (A1) in the SC-CC/HWH Branch/Department, at (place where  
 employed) locally who presented himself before me for —  
 (work) Loco pilot not involving heavy train working and train passing duties and is not fit for sedentary job not involving heavy physical work.  
 Periodical re-examination Re-examination prior to promotion to class \_\_\_\_\_ as (designation) \_\_\_\_\_  
Special re-examination. MUST WEAR SPECTACLES WHILE ON DUTY  
Re-examination for reconsideration AND POSSESSED SPARE PAIR report.

**BIFOCAL**

At whose <sup>1</sup> Signature/Thumb Impression has been appended below in my presence.  
 I consider him fit for service in class A1 below C



Signature of Railway Medical Examiner

Date 20/07/2016 Designation Dr. A. Kirtania

आप सूच्य चिकित्सा अधीक्षक (अस्थि)  
 Addl. Chief Medical Suptd. (Ortho.)

Signature \_\_\_\_\_ of Employee  
 Thumb Impression

Dr. A. Kirtania  
 आप सूच्य चिकित्सा अधीक्षक (अस्थि)  
 Addl. Chief Medical Suptd. (Ortho.)  
 मुख्य चिकित्सा अधीक्षक (अस्थि)

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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