

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.210/00398/2019

Dated this Thursday, the 11th day of July, 2019

CORAM: R.VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Manohar Kumar, Age : 29, S/o Daroga Lal,
 Village Rattu Bigha Chowk,
 Post : Dalmia Nagar, District : Rohatas,
 Bihar, Pin Code 821 305.
(By Advocate Shri Joe D'Souza)

Applicant

VERSUS

Union of India, Through

1. General Manager, Central Railway,
 General Managers Office, CSMT, Mumbai 400 001.
2. Principal Chief Medical Director, Central Railway,
 3rd Floor, DRMs Office, CSMT, Mumbai 400 001.
3. Senior Personal Officer (E&M)
 General Managers Office, CSMT, Mumbai 400 001.
4. Chief Workshop Manager, Matunga Workshop,
 Central Railway, Matunga, Mumbai 400 019.
5. Dy. Chief Personal Officer, Matunga Workshop,
 Central Railway, Matunga, Mumbai 400 019. - *Respondents*

ORDER (Oral)

Per : R.Vijaykumar, Member (A)

1. Heard the learned counsel for the applicant at the admission stage.
2. This application has been filed on 07.06.2016 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :-

“8.A. Direct the Respondents to order re-medical examination of the applicant at Railway Hospital Kanpur on North Central Railway, the same being

nearest to the applicant in terms of the directions contained in Para 581 of IRMM-2000.

8.B. Direct the respondents to produce all the relevant internal records of the medical examination of the applicant and records of the submission of appeal by applicant, forwarding by Respondent No.5 and receipt by the Respondent No.2 of the applicant's application for re-medical examination.

8.C. Order any other reliefs that this Hon'ble Tribunal deems fit and appropriate under the circumstances.

8.D. Saddle the respondents with the cost of this application."

3. The applicant was selected for appointment against Centralized Employment Notice No.01/2014 for the post of Technician Grade III and was referred for Medical Fitness Examination by the Chief Medical Superintendent at Kalyan and diagnosed with Diabetes Mellitus Type 2.

4. The applicant approached private Medical Diagnostics Labs namely, Dr. Lal Path Labs and Dhanvantari Hospital Private Limited. In particular, Dhanvantari Hospital has taken note of the fact that a medical examination conducted by an appropriate Medical Authority of the Railways had declared the applicant unfit. Both the Labs provide him data on Blood Sugar Fasting and PP, and HbA1c.

5. The applicant then approached the Principal Chief Medical Director through the Personal Department at Matunga in his letter dated 20.08.2018 which was forwarded to the Principal Chief Medical Director, CSMT on 09.10.2018 but it has been returned by that authority stating that he should have filed his representation through the Competent Authority but this has already been done and therefore, the PCMD communication is contrary to the facts as above.

6. The pleadings have been perused and the learned counsel for the applicant has been heard.

7. It is evident that the provision of the Railway Rules, the applicant had to first declare the fact of having being rejected by the Railways before obtaining any other certificate by any other diagnostics labs. This has been faithfully done by the applicant.

8. In the circumstances, the respondents Nos.1 and 2 are directed to get the re-medical examination done by a Competent Doctor knowledgeable in the onset / development of Diabetes Mellitus Type 2

within a period of six weeks near the Bihar address of the applicant with a non-employing Railway in accordance with the provisions of Indian Railway Medical Manual General Instructions Rule 581, for which he shall file a fresh application with PCMD and the respondent No.1 shall take expeditious steps as above to have the medical examination completed within six weeks of application by the applicant.

9. In the aforesaid terms, this OA is disposed of with the above directions at the admission stage without any order as to costs.

(Ravinder Kaur)
Member (Judicial)

(R. Vijaykumar)
Member (Administrative)

*kmg**

*JD
15/7/19*