



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 6877/1011/2016

Dated: 19 July, 2017

In the matter of :

Shri Anant Kumar
S/o Shri Dinesh Singh
At-Teyai, P.L. Dadpur
Post-Bhagwanpur, Distt-Begusarai, Bihar-851133

Complaint

Versus

Railway Recruitment Board
(Through: The Chairman)
P. Demello Road, Wadi Bunder
Central Railway, Mumbai-400010.

Respondent

Date of Hearing: 09.05.2017

Present:

1. Shri Anant Kumar, Complainant.
2. Shri Ajay Raj, Assistant Personnel Officer on behalf of Respondent.

ORDER

Shri Anant Kumar, complainant with 42% visual impairment filed a complaint dated nil before the Chief Commissioner for Persons with Disabilities (CCPD) intimating that he had qualified the written exam for Group 'D' post conducted by Central Railway, Mumbai and after verification of candidate, he appeared before the Medical Board where Chief Medical Superintendent refused to accept the validity of medical examination conducted by Director, CMS Byculla, Mumbai and declared him medically unfit.

2. The matter was taken up with the Chairman, Railway Recruitment Board, Mumbai vide this Court's letter dated 15.09.2016 for submission of their comments along with the details of vacancies filled since 01.01.1996 in Group 'C' and 'D' as per the proforma enclosed with the said letter. Railway Recruitment Board, Mumbai vide their letter dated 20.09.2016 forwarded this Court's letter dated 15.09.2016 to the Chairman, Railway Recruitment Cell, Central Railway for necessary action. RRC, Central Railway vide letter dated 14.10.2016 informed the complainant that his appeal dated 25.06.2014 against his medical unfitness as a PHP (VH) candidate has already been decided by CMD, the Appellate Authority.

3. As no reply was received from the Chairman, RRB, Mumbai, the matter was scheduled for hearing on 09.05.2017.



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4. During the hearing on 09.05.2017, the complainant and the representative of the respondent were present. The complainant submitted that he had qualified the written exam and declared passed. Thereafter, a call letter for verification of certificate was given to him for 09.05.2014. He went to the office of the RRC, Mumbai and submitted his original educational certificate which was verified and returned the original to him. Thereafter, he was sent for medical examination at CMS Solapur. CMS referred him to the office of Medical Director, Dr. B.A.M. Hospital, Byculla, Mumbai. The Director, CMS Byculla, after examination, found him medical fit the said Group 'D' post and directed to meet the medical authorities at Solapur. To his surprise, the Chief Medical Superintendent, Dr. Pramod Sharma, refused to accept the validity of medical examination by Director, CMS Byculla, Mumbai and declared him medically failed vide letter 06.06.2014. He preferred an appeal against the decision of the CMS, Solapur to RRC on June, 2014, but two years have passed, but the appellate authority has not yet decided the fate of his appeal. As such, his chances for appointment have been dismissed and medical authority at Solapur has grossly violated the Govt. policies for a person with disability. He further submitted that he went to PM Office and he was asked to go to CCPD office and as such he submitted his complaint to this Court.

5. The representative of the respondent during the hearing submitted that after found eligible in written test and document verification, the complainant was sent for medical examination on 02.06.2014 at Solapur. He was examined by the medical authorities and found unfit as PwD candidate (VH) vide Medical Certificate No. 383016 dated 06.06.2014. The complainant was advised accordingly vide letter dated 13.06.2014 for making an appeal, if he so desires. The complainant had made an appeal dated 25.06.2014 which was forwarded to the Appellate Authority. CMD (Appellate Authority) vide letter dated 16.03.2015 advised that the candidate does not fulfill the criteria of VH laid down under para 511/7/ii/a of Indian Railway Medical Manual, 2000. The complainant was advised accordingly vide letter dated 13.05.2015. Since the complainant was declared unfit, he was not called for further process of recruitment. Further, the recruitment process against this post has since been completed.

6. After hearing both the parties, the Court observed that when the Director, CMS Byculla, after examination, had found the complainant medical fit for the said Group 'D', how Chief Medical Superintendent, Dr. Pramod Sharma, had refused to accept the validity of medical examination by Director, CMS Byculla, Mumbai and declared him medically failed vide letter 06.06.2014. The Court



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advised the respondent that the complainant should be given appointment to Group 'D' post within two months, i.e. 60 days from the date of receipt of this order and inform this Court accordingly.

7. The case is accordingly disposed off.

(Handwritten signature)

(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities

(Handwritten initials)