

Eastern Railway
(Personnel Department)

Sl.No 35/2016

No.E.691/0/Pt.IV

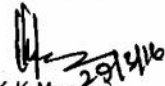
Kolkata, 29th March 2016

All Concerned

Sub: Consideration of appeal of non-gazetted candidates selected for
Railway employment-Cases of candidates declared unfit upon
medical examination.

Railway Board's letter no. 2014/H/5/8 (Policy) dated 31/12/2015 is forwarded for information, guidance and necessary action. Board's earlier letter dated 05/06/2014, as mentioned therein is circulated under this office circular no. 82/2014.

DA: As Above


(K.K. Murmu)
Asstt. Personnel Officer/R&B
Chief Personnel Officer

Railway Board's letter no. 2014/H/5/8 (Policy) dated 31/12/2015 addressed to CPO/E.Railway, All Divisions/Units.

Sub: Consideration of appeal of non-gazetted candidates selected for
Railway employment-Cases of candidates declared unfit upon
medical examination.

Detailed Provisions for reconsideration of adverse reports of medical examination of candidate selected for employment in various non-gazetted posts in Railway Services and procedure for making an appeal and its disposal have been laid in Para 522 (I) of IRMM, Third Edition, 2000. However, it was not clear from the said provisions as to who would act as the appellate authority and what would be the maximum number of appeals that are permitted resulting into a number of appeals for reconsideration of the cases even though they have been declared unfit during initial medical examination. Some of the candidates have also been approaching Railway Board for reconsideration of decision of the Zonal Railways on their earlier appeals.

There have also been instances where the candidate was declared unfit by the initial medical examiner due to the candidate being hypertensive/diabetic or visual acuity problems. Some such candidates have taken treatment and then, within the stipulated time frame, submitted an appeal for reconsideration. In such cases, it becomes really difficult for the appellate authority to come to a conclusion with regard to the candidate's original condition which was prevailing at the time of initial medical examination. The appellate authority will be in no position to disprove that the person has been administered medicines or has undergone surgical treatment for refractive error etc. This situation calls for a permanent remedy by laying down a specific procedure for examination of candidates, consideration of their appeal in case they are declared unfit in the initial medical examination as also disposal of subsequent appeals by higher authorities.

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In view of this, a detailed policy guideline was issued to the Zones vide this office letter of even number dated 05/06/2014. Though the clarification given by this office has helped the Zone to a great extent in deciding the cases, some issue relating to the subject need further elaboration.

The matter has been considered at length in Board's Office and in supersession to Board's letter of even number dated 05/06/2014 the following guidelines are laid down for medical examination of candidates for non-gazetted posts, disposal of their appeals and other representations submitted to higher authorities:-

I. Medical Examination – Medical examination of candidates will be done by a Medical Officer with adequate experience in doing medical examination who will be specially nominated by the CMO/CMS/MD/ACMS in charge for this purpose.

II. If a candidate has been found to be unfit on grounds of acuity of vision/defective color vision/hypertension/diabetics or any other condition/disease, the medical examiner will not issue any certificate and will put up his/her findings to the CMO/MD/CMS/ACMS in charge of the Unit/ Division/Sub-division/Production Unit.

III. The candidates, without having to submit any appeal, will then be immediately examined by a three member standing medical team consisting of 1) a specialist in the field; however if the specialist is not available within the unit/division/Production Unit, a senior doctor would be nominated in place of a specialist; 2) the medical officer who has conducted the first medical examination and 3) the third being a senior medical officer specially nominated by the CMO/CMS/MD/ACMS in charge for this purpose.

IV. This three member Board will examine the candidate at the earliest after the first medical examination report is put up to the CMO/CMS/MD/ACMS in charge of the Unit/ Division/Sub-division. If necessary, the candidate would be kept under observation in bed. The accommodation charges etc. in this regard will be borne by the Railway administration except for such investigations and or/consultation, which is not available in -house, for which charges will be borne by the candidate concerned.

IV (a) If the initial medical authority or the Three- Member Board are of the view that the medical deficiency of the candidate is treatable, except for cause of unfitness like Diabetes, Hypertension, Defective color perception, Disturbance in visual acuity the candidate should be declared as "TEMPORARY UNFIT" and should be advised to get treated within a time frame not exceeding six months, with a written advice & endorsing a copy to the memo issuing authority. The written advice should also include that the candidate should report either initial medical authority or to the three member Board specified (as the case may be), after completion of treatment within the specified time frame. After completion of treatment, re-examination report should be put up to CMS/CMO/ACMS/ MD I/C of Unit/ Division/Sub-division for final decision.

V. In case the candidate absconds or absents himself willfully prior to/during examination by the three member medical Board, this fact should be recorded and the decision of the first medical examiner would prevail and no further appeal shall lie with any higher authority including Railway Board.

VI. This three member Board will write their detailed findings and will either endorse the first examination findings or differ and record their recommendations in the form of speaking orders, based upon which a fit/unfit certificate will be issued by the doctor who examined the candidate at the first instance. This three member Board's decision, as accepted by the respective CMO/MD/CMS/ACMS in charge of the Unit/ Division/Sub-division, will be final and no appeal will be entertained.

VII. Once a decision has been taken at the level of the Divisional/Production Unit in charge and the candidate has been declared fit/unfit by three members committee, no further appeal shall lie with any higher authority including Railway Board.

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VIII. Consideration of specific cases:-

a) Once, the 03 member Board has taken a decision on the grounds of conditions like hypertension, sub-standard vision and defective colour perception diabetes and the same has been accepted by the respective CMO/MD/CMS/ACMS in charge of the Unit/Division/Sub-division, any representation/appeal shall be dealt with on the basis of the records and findings of the Committee and the candidate will not be subjected to re-examination.

b) Only in specific and exceptional cases in which there is an objective record of an X-ray finding, ECG record, Echo or a permanent defect/deformity, there can be an appeal in regard to the interpretation of such a finding and such cases can be entertained as an appeal by the CMD. CMD of the Zone may order for re-medical examination of such candidates if he is satisfied that there are genuine grounds for consideration of such an appeal. Such evidence should be submitted within one month of the date of communication of the decision of the CMO/MD/CMS/ACMS in charge of the Unit/ Division/Sub-division/Production unit to the candidate. However, such an appeal shall be entertained only if the candidate produces a certificate from Government/Private doctor of the specialty/specialties in which the candidate has been found unfit. Such a certificate should also contain a note that the Government/Private specialist was aware of the fact that the candidate has already been declared unfit during medical examination conducted by an appropriate medical committee appointed by the Government in this regard. The Government/Private specialist should also certify that he is fully aware of physical & vision standards set by the railways, and that he is aware that the candidate has already been certified as unfit according to the standards.

In all cases of appeal to CMD, charges will however, be payable by candidates and towards this end a candidate will be required to pay Rs.1000/-through DD. In case of Production units, such powers for consideration of appeal shall be vested in the CMD of the neighboring/parent zone where the production unit belonged to earlier or currently is situated.

IX. Where CMD is of the opinion that there should be re-examination of the case of appeal, he may nominate a separate Three-Member Medical Board comprising of Sr.Specialist including the specialty concerned (of the area of deficiency pointed out), for reconsideration. If CMD feels that the decision given by the Appellate Medical Board is justified, he will accept the same.

X. In case, the decision at this stage changes from Unfit to fit, the DD submitted to Rly, will be returned. In all other case, this DD will be credited to Railway in same head, where medical examination fee is being deposited.

Advance Correction Slip to Para 522 (1) of IRMM, 2000 is enclosed.

This has the approval of Board (MS).

Index No.1049: Amendment to Para 522 (I) of IRMM, Vol.I, 2000 edition.

Advance Correction Slip to Para 522 of IRMM, 2000.

Sub Para (1) of Para 522 of IRMM, 2000 may be read as under:-

I. Medical Examination – Medical examination of candidates will be done by a Medical Officer with adequate experience in doing medical examination who will be specially nominated by the CMO/CMS/MD/ACMS in charge for this purpose.

II. If a candidate has been found to be unfit on grounds of acuity of vision/defective color vision/hypertension/diabetes or any other condition/diseases, the medical examiner will not issue any certificate and will put up his/her findings to the CMO/MD/ACMS/CMS in charge of the Unit/ Division/Sub-division/Production Unit.

III. The candidate, without having to submit any appeal, will then be immediately examined by a three member standing medical Board consisting of 1) a specialist in the field; however if the specialist is not available within the unit/division/Production Unit, a senior doctor would be nominated in place of a specialist; 2) the medical officer who has conducted the first medical examination and 3) the third being a senior medical officer specially nominated by the CMO/CMS/MD/ACMS in charge for this purpose.

V. This three member Board will examine the candidate at the earliest after the first medical examination report is put up to the CMO/CMS/MD/ACMS in charge of the Unit/ Division/Sub-division. If necessary, the candidate would be kept under observation in bed. The accommodation charges etc. in this regard will be borne by the Railway administration except for such investigations and or/consultation, which is not available in -house, for which charges will be borne by the candidate concerned.

IV (a) If the initial medical authority or the three- member Board are of the view that the medical deficiency of the candidate is treatable, except for cause of unfitness like Diabetics, Hypertension, Defective color perception, Disturbance in visual acuity the candidate should be declared as "TEMPORARY UNFIT" and should be advised to get treated within a time frame not exceeding six months, with a written advice & endorsing a copy to the memo issuing authority. The written advice should also include that the candidate should report either initial medical authority or to the three member Board specified (as the case may be), after completion of treatment within the specified time frame. After completion of treatment, re-examination report should be put up to CMS/CMO/ACMS/ MD I/C of Unit/ Division/Sub-division for final decision.

V. In case the candidate absconds or absents himself willfully prior to/during examination by the three member medical Board, this fact should be recorded and the decision of the first medical examiner would prevail and no further appeal shall lie with any higher authority including Railway Board.

VI. This three member Board will write their detailed findings and will either endorse the first examination findings or differ and record their recommendations in the form of speaking orders, based upon which a fit/unfit certificate will be issued by the doctor who examined the candidate at the first instance. This three member Board's decision, as accepted by the respective CMO/MD/CMS/ACMS in charge of the Unit/ Division/Sub-division, will be final and no appeal will be entertained.

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VII. Once a decision has been taken at the level of the Divisional/Production Unit in charge and the candidate has been declared fit/unfit by three members Board, no further appeal shall normally lie with any higher authority including Railway Board.

VIII. Consideration of specific cases:-

a) Once, the 03 member Board has taken a decision on the grounds of conditions like hypertension, sub-standard vision and defective colour perception diabetes and the same has been accepted by the respective CMO/CMS/MD/ACMS in charge of the Unit/Division/Sub-division, any representation/appeal shall be dealt with on the basis of records and findings of the Committee and the candidate will not be subjected to re-examination.

b) Only in specific and exceptional cases in which there is an objective record of an X-ray finding, ECG record, Echo or a permanent defect/deformity, there can be an appeal in regard to the interpretation of such a finding and such cases can be entertained as an appeal by the CMD. CMD of the Zone may order for re-medical examination of such candidates if he is satisfied that there are genuine grounds for consideration of such an appeal. Such evidence should be submitted within one month of the date of communication of the decision of the CMO/MD/CMS/ACMS in charge of the Unit/ Division/Sub-division/Production unit to the candidate. However, such an appeal shall be entertained only if the candidate produces a certificate from Government/Private doctor of the specialty/specialties in which the candidate has been found unfit. Such a certificate should also contain a note that the Government/Private specialist was aware of the fact that the candidate has already been declared unfit during medical examination conducted by an appropriate medical committee appointed by the Government in this regard. The Government/Private specialist should also certify that he is fully aware of physical & vision standards set by the railways, and that he is aware that the candidate has already been certified as unfit according to the standards.

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(Authority Board's letter no. 2014/H/5/8 (Policy) dated 31/12/2015)