

Eastern Railway
(Personnel Department)

No.E.691/0/Pt.III

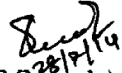
Kolkata, 28th July 2014

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 05.06.2014 along with ACS No.1/2014 of Para 522 of IRMM, 2000 is forwarded for information, guidance and necessary action.

DA: As Above.


(S.Ganguly)
Asstt. Personnel Officer/R
For Chief Personnel Officer

Railway Board's letter no. 2014/H/5/8 (Policy) dated 05.06.2014 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 down in Para 522 (I) of IRMM, Third Edition, 2000. It is not clear from the said provisions as to who would act as the appellate authority and what would be the maximum numbers of appeals that are permitted. This is 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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The matter has been considered at length in Board's Office and 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 and one specially nominated by the CMO/CMS/MD/ACMS in charge.

II. If a candidate has been found to be unfit on grounds of vision/color vision/hypertension/diabetics or any other condition/diseases, the medical examiner will not issue any certificate and will put up his/her findings to the in CMO/MD/ACMS/CMS 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.

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

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

VI. This committee 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 committee's decision, as accepted by the respective CMO/MD/ACMS/CMS in charge of the Unit/ Division/Sub-division, will be final and no appeal will be entertained against this decision.

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 committee has taken a decision on the grounds of conditions like hypertension, sub-standard vision and 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 a disease like 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/ACMS/CMS 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 speciality/specialities 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, consultation and investigation charges as applicable, will however, be recovered separately. In case of Production units, such powers for consideration of appeal shall be vested in the CMD of the neighboring/parent zone to which the production unit belonged to earlier.

IX. For all cases, the highest level of appeal shall lie with the CMD and there is no further provision for review against the decision of a CMD i.e. in case the appeal has been rejected by the CMD or the candidate is again found unfit upon re-medical examination carried out as per the orders of the CMD, no further appeal shall lie with any higher authority including Railway Board.

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 IREM, 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 and one specially nominated by the CMO/CMS/MD/ACMS in charge.

II. If a candidate has been found to be unfit on grounds of vision/color vision/hypertension/diabetics or any other condition/diseases, the medical examiner will not issue any certificate and will put up his/her findings to the in CMO/MD/ACMS/CMS 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.

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

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

VI. This committee 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 committee's decision, as accepted by the respective CMO/MD/ACMS/CMS in charge of the Unit/ Division/Sub-division, will be final and no appeal will be entertained against this decision.

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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(b) Only in specific and exceptional cases in which there is an objective record of a disease like 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/CMS/MD/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, consultation and investigation charges as applicable, will however, be recovered separately. In case of Production units, such powers for consideration of appeal shall be vested in the CMD of the neighboring/parent zone to which the production unit belonged to earlier.

IX. For all cases, the highest level of appeal shall lie with the CMD and there is no further provision for review against the decision of a CMD i.e. in case the appeal has been rejected by the CMD or the candidate is again found unfit upon re-medical examination carried out as per the orders of the CMD, no further appeal shall lie with any higher authority including Railway Board.

[Authority: Railway Board's letter No.2014/H/5/8 (Policy) dated 05.06.2014]
