



दक्षिण रेलवे/SOUTHERN RAILWAY

सं./No.P(R)438/IRMM

प्रधान कार्यालय/ Headquarters Office
कार्मिक शाखा/ Personnel Branch
चेन्नै/Chennai - 600 003
दि./ Dated. 26-02-2016

पी बी सी सं/ PBC No: 22 / 2016

All PHODs / DRMs / CWMs / CEWE / CAO / CPM / Dy.CPOs / Sr.DPOs /
DPOs / SPOs / WPOs / APOs of HQ / Divisions / Workshops / other Units,
etc.,

(As per mailing list - 'A')

विषय/Sub: Consideration of appeal of non-gazetted candidates
selected for Railway employment – cases of candidates
declared unfit upon medical examination.

A copy of Railway Board's letter No.2014/H/5/8 (Policy) dated 31-12-2015 on the above subject is enclosed for information, guidance and necessary action.

Railway Board's letter dated 05-06-2014 referred therein has been circulated under PBC No. 111 / 2014.

(K.BABU)

Asst. Personnel Officer/Engg.
कृते मुख्य कार्मिक अधिकारी
For Chief Personnel Officer

प्रतिलिपि/Copy to :The Genl.Secy. SRMU
The Genl.Secy. AISCSTREA
The Genl.Secy. AIOBCREA

The Genl Secy NFIR

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
महाराष्ट्र राज्य रेलवे बोर्ड
GENERAL MANAGER'S OFFICE

No. 2014/H/5/8 (Policy).

18 FEB 2016

New Delhi, Dated: - 31.12.2015.

General Managers,
All Indian Railways.

दक्षिण रेलवे/Southern Railway
चेन्नई/Chennai-600 003

General Managers/CAOs/DG,
All Production Units including RDSO.

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 candidates 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. In view of this, a detailed policy guideline was issued to the Zones vide this office letter of even No. dated 05.06.2014 (Copy enclosed). 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 letters of even no. 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 colour vision/hypertension/diabetes 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 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.
- IV. This three member Board will examine the candidate at the earliest after the first medical examination report is put up to the CMO/MD/CMS/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 the 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 colour 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 absent himself wilfully 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 decisions, as accepted by the respected 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 member Board, no further appeal shall normally lie with any higher authority.



VIII. Consideration of specific cases :-

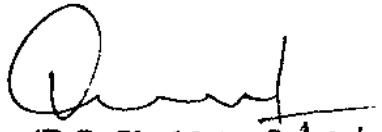
- a) Once, the 03 member Board has taken a decision on the grounds of conditions like hypertension, sub-standard vision and defective colour perception diabetes and the same has been accepted by the respective CMO/MD/CMS/ACMS in charge of the Unit/Division/Sub-division, any representation/appeal shall 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 a 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 the 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 candidate 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 neighbouring/parent zone where the production unit belonged to earlier or is currently 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 herewith.

This has the approval of Board (MS).


(R.S. Shukla) 31/11
Joint Director /Health
Railway Board.

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.
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- 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.
- IV. This three member Board will examine the candidate at the earliest after the first medical examination report is put up to the CMO/MD/CMS/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 the charges will be borne by the candidate concerned.

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- 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 decisions, 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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 - 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 a 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 the 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)