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R.B. Register

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

New Delhi, Dated: - 07.07.2017.

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

General Managers,
All Indian Railways.

SER/P-HQ/100/RecH/Poly/PT. VIII

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.

Ref:- This office letter of even number dated 05.06.2014 & 31.12.2015.

13/15 & 21/16

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 down in Para 522 (D) 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 were also 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. Though the clarification given by this office has helped the zone to a great extent in deciding the cases but some issues relating to the subject required further elaboration.

The matter was considered at length in Board's office and in supersession to Board's letter of even No. dated 05.06.2014, revised guidelines were issued vide Board's letter of even number dated 31.12.2015.

However, arising out of Vigilance enquiries in certain cases of medical examination and appeals, whole issue has been re-examined and it is felt that certain provisions contained in paras III, VII (A&B) of Board's letter dated 31.12.2015 need to be amended to clarify the whole position in consonance with the

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IRMM 2000. Accordingly, in supersession to all previous letters on the subject matter, instructions are issued:-

Medical Examiner – 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, imparted suitable training, and approved by CMD/CMO of the zone/PU.

- ii. If a candidate has been found to be unfit (Temporary/Permanent) on any ground, the medical examiner will not issue any certificate and will put up the detailed medical examination report to the CMO/MD/CMS/ACMS In-charge of the Unit/Division/Sub-division/Production Unit Hospital.
- iii. CMO/CMS/MD/ACMS In-charge will then constitute a Three Member Medical Committee consisting of 1) a specialist in the concerned field of deficiency other than the initial medical examiner. However, if the specialist is not available within the Unit/Division/Production Unit, a senior doctor not below JAG would be nominated in place of a specialist 2) Any medical officer other than the one who has conducted the first medical examination not below the rank of DMO 3) Any senior medical officer not below JAG.
- iv. This Three Member Medical Committee will examine the candidate thoroughly in true spirit without any appeal preferred by the candidate. Such candidate should be admitted in indoor ward mandatorily, for observations & investigations as required by the Committee of Medical Officers. The accommodation charges etc. in this regard will be borne by the Railway Administration except for such investigations and/or consultations, which is not available in-house, for which the charges will be borne by the candidate concerned. The Committee will submit their report to CMO/CMS/MD/ACMS In-charge along with their opinion & speaking order regarding fitness or otherwise in the medical category for which he has reported for the medical examination. All reports and related papers should be signed by the candidate (Thumb Impression if not able to sign) with name clearly written below the same. The candidate should also sign a declaration "I have been thoroughly examined and investigated by the Three Member Committee." CMO/CMS/MD/ACMS In-charge will examine the report and after his approval, communicate his decision to the initial medical examiner, who will, in turn, issue the final medical examination certificate accordingly.

Note:-

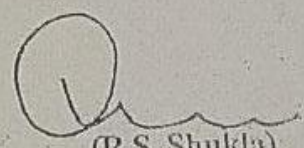
1. If the initial Medical Authority or the Three-Member Committee are of the view that the medical deficiency/condition of the candidate is curable after treatment, the candidate should be declared as "TEMPORARY UNFIT" and should be advised to get treated within a time frame not exceeding six months from the date of advice to candidate, with a written advice & endorsing a copy to the Memo Issuing Authority. The written advice should also include that the candidate should report to initial Medical Examiner, after completion of treatment within the specified time frame. First Medical Examiner/Medical Committee will then re-examine the candidate & if the case may be and submit the report to CMS/CMO/ACMS In-charge/MD J/C of the Unit/Division/Sub-Division for final decision. After approval of final decision, CMS/CMO/ACMS In-charge/MD will direct first medical examiner to issue the final medical examination certificate as mentioned above.
2. Certificates so issued, should be sent to the concerned Personnel Branch.

- V. In case the candidate absconds or absent himself willfully prior to/during examination by the Three Member Medical Committee, this fact should be recorded and the decision of the first Medical Examiner would prevail and no further appeal shall be entertained in such cases.
- VI. If the candidate wants to appeal against the decision of the Committee, he should submit the same to CMD of the zone within a period of one month (from the date of receipt of decision from Personnel Department) with due justification routed through concerned Personnel Department of the zone. 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 contain a note that the Government/Private specialist is fully aware of the physical & visual standards set by the Railways for the particular medical category, and that he is aware of the fact that the candidate has already been declared unfit according to these standards during medical examination conducted by an appropriate Medical Board comprising of three senior railway doctors appointed by the Government in this regard. The certificates should bear the photograph and mark of identification of the candidates duly attested by such a Government/Private Issuing Authority. Such an issuing authority shall also clearly mention its MCI/State registration number. The candidate should clearly be advised of this para.
- VII. 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 payable in favour of FA&CAO of concerned zone/PU. Personnel Deptt will retain such DDs and may get them verified for authenticity from issuing branch, if there is a need. 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.
- VIII. Where CMD is of the opinion that there should be re-examination of the case of appeal, he may nominate a Medical Board to re-examine the candidate. The recommendations of Medical Board duly approved by CMD should be communicated to the candidate through concerned Personnel Department.
- IX. In case, the decision at this stage changes from Unfit to Fit, the DD submitted to Railway, will be returned to the candidate. In all other case, this DD will be credited to Railway Revenue in same head, where medical examination fee is being deposited.

Ordinarily, no further appeals will be permissible but exceptional cases if any may be referred to DG/RHS Railway Board for necessary guidelines.

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

This has the approval of Board (MS).


(R.S. Shukla)

Joint Director /Health
Railway Board

Copy to:-

- (i) Chief Medical Directors, All Indian Railways & PUs for information.
- (ii) Chief Personnel Officers, All Indian Railways & PUs for information.