

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.839/2002

Monday, this the 1st day of April, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Munish Kumar Jain
S/O Sh. Kallu Mal Jain
R/O Jagdish Puri, Gali No.1
Gandhi Road, Barot
(Bagpat, Uttar Pradesh)

..Applicant

(By Advocate: Shri L.D. Maul)

Versus

1. National Capital Territory of Delhi
through Chief Secretary
Govt. of NCT Delhi,
Govt. Secretariat,
Players' Building
New Delhi
2. Assistant Commissioner (Fire)
Department of Delhi Fire Services
Head Quarter, Connaught Place
New Delhi-1

..Respondents

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi, M (A):

Heard the learned counsel for the applicant.

2. The applicant is an aspirant for appointment to the post of Radio Telephone Operator advertised by the Delhi Subordinate Service Selection Board (DSSSB) on 24.8.1998 (P-2). He went through the prescribed test in which he qualified. Accordingly, a letter of appointment was issued to him vide Memorandum dated 2.2.2001 (P-4). The applicant was to be formally appointed only after clearing the medical examination as provided in the aforesaid Memorandum. The applicant failed to clear the medical test on the ground of defective eye sight. He represented in the matter and was tested again, and on


(2)

this occasion also, he was declared medically unfit on the same ground (P-1).

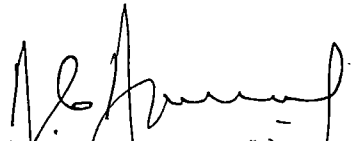
3. The learned counsel appearing on behalf of the applicant submits that the aforesaid advertisement (P-2) provides for the standard of eye sight as 6/6 without further specifying whether the aforesaid standard is to be achieved with or without glasses. According to him, he went through ^{2 a test held} by Guru Nanak Eye Centre, New Delhi (P-15) which is a Govt. of Delhi Hospital. His eye sight was found to be 6/6 with glasses. The same position has been confirmed by yet another Hospital, namely, Jagwati Eye Hospital, Nehru Road, Baraut on 20.5.2001 (P-16). On this basis, according to the learned counsel, the applicant should have been appointed formally which the respondents have failed to do.

4. We have considered the submissions made by the learned counsel for the applicant and find that on a plain reading of the provision made in the aforesaid advertisement, it is clear that the standard required in respect of eye sight is 6/6 without glasses. The rule in question has to be read as implying that the eye sight of a candidate has to be 6/6 without glasses. A different interpretation given to the aforesaid rule will not be consistent with the intention clearly expressed in the aforesaid advertisement. In the circumstances, we come to the conclusion that the applicant's claim for appointment has been rightly rejected as he could not achieve eye sight standard of 6/6 without glasses. *g*

5. In the circumstances, the present OA is dismissed
in limine.


(S.A.T. Rizvi)
Member (A)

/sunil/


(Ashok Agarwal)
Chairman