

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00399/2014

HYDERABAD, this the 29th day of November, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. B.V. Sudhakar, Admn. Member

M KRISHNA MURTHY,
S//o V. Subramanyam,
Aged 54 years,
Occ: Senior Section Engineer (Drawing),
O/o The Senior Divisional Signal &
Telecommunication Engineer,
Sanchalan Bhavan, Secunderabad Division,
South Central Railway, Secunderabad.

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Applicant



(By advocate: Mr. KRKV Prasad)

Vs.

1. Union of India rep. by The Chairman,
Ministry of Railways, Railway Board,
New Delhi,
2. The General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad,
3. The Chief Signal & Telecommunication
Engineer, South Central Railway,
Rail Nilayam, Secunderabad,
4. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad,
5. The Chief Medical Director,
South Central Railway,
Rail Nilayam,
Secunderabad,

6. The Chief Medical Superintendent,
South Central Railway,
Secunderabad Division,
Chilakalaguda, Secunderabad,
7. Ch. M.V.S.Sastry,
Assistant Divisional Signal
and Telecommunication Engineer,
South Central Railway,
Bellampalli R.S.,

Respondents

(By advocate: Mr. N. Srinatha Rao, SC for Railways
Mr. E.Sukumaran for R-7.)

ORAL ORDER

(PER HON'BLE Mr. JUSTICE L.NARASIMHA REDDY,
CHAIRMAN



Applicant was holding the post of Senior Section Engineer (SSE) in South Central Railway. There is promotion from that, to the post of Assistant Signal & Telecommunication Engineer (ASTE). 70% of posts are to be filled by promotion from the feeder category and 30%, by direct recruitment. In both the cases, selection is on the basis of performance in the written test and subject to fulfilling the medical fitness.

2. A notification was issued in 2013 and the examination was conducted for that purpose. Applicant was qualified therein. As a next step, the applicant was subjected to medical test. It was found that his distant vision is 6/18 and 6/9 for left and right eyes. Stating that the same does not conform to the prescribed standard, respondents did not call the applicant for viva-voce.

3. This OA is filed with a prayer to call for the records pertaining to his medical report, subject him to re-medical examination, to issue call letter for viva-voce and, to take further steps in accordance with the law.

4. Applicant submits that with the same medical parameters, he was promoted to the post of SSE and there was absolutely no basis for denying him the promotion to the post of ASTE by citing certain alleged deficiencies in the vision. It is also stated that though 12 vacancies were notified, only 9 were filled in the promotion category.

5. Respondents submitted a detailed counter affidavit. It is stated that the applicant was initially working in the open line where medical parameters are required to be at the level of A-III medical category and on finding that he was not up to that level, he was put to drawing section in C-I category. It is stated that the duties attached to the post of ASTE are of important nature, and the officer is required to be in the A-I medical category.

6. Heard Mr. KRKV Prasad, learned counsel for applicant, Mr. N Srinatha Rao, learned standing counsel for respondents/Railways and Mr. M.C.Jacob, proxy counsel for Mr, E.Sukumaran for Respondent No.7.

5. The record discloses that the applicant was in the line of A-III medical category and on account of his inadequate medical condition, particularly in his vision, he was absorbed as SSE/Drawing in C-I category. Further, the promotion is to the post of ASTE, which needs vision in A1 category and other parameters.



6. Applicant, no doubt, was qualified in the written test held for promotion to the post of ASTE. However, his vision was found to be not up to the stipulated level. While the requirement is 6/12 and 6/18, his vision was found to be 6/9 and 6/18. Even with spectacles, it was not up to the mark. Obviously for this reason, respondents did not call the applicant for viva-voce test. It may be true that three posts remained vacant for want of suitable candidates. On that account, we cannot direct respondents to consider the case of applicant, who was found to be not up to the stipulated standard.



7. The post of ASTE is attached with very sensitive and safety related functions. Once a particular medical category is stipulated for that post, Tribunal cannot alter the same by whatever interpretation.

8. Reliance is placed in the order dated 01.09.1993 in OA 804/1991. In that case, the plea of the applicant, a Group 'B' officer and an unsuccessful candidate, was that the promotion to the post of Group 'B' were made by relaxing the medical conditions. Solely on the ground that respondents did not furnish particulars of the candidates who are said to have been promoted by relaxing the standards, the relief was granted to the applicant therein. In the instant case, applicant did not state that any officer, who did not possess the stipulated medical parameters, was promoted.

9. We do not find merit in the OA and accordingly dismiss the same.

10. There shall be no order as to costs.

(B V SUDHAKAR)
MEMBER (A)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

vsn

