

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 199/98

New Delhi, this the 24th day of November, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

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In the matter of:

Shri Virender Prakash
S/o Sh. Balram Singh Yadav,
R/o Barrack No.2, Police Station,
Lodhi Colony,
New Delhi-110003.
(By Advocate: Applicant in person)

.... Applicant

Vs.

1. The Chairman.
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road,
New Delhi-110003.
2. The Commissioner of Police, Delhi
M.S.O. Building, ITO,
New Delhi.
(By Advocate: Sh. S.K. Gupta)

.... Respondents

O R D E R (ORAL)

delivered by Hon'ble Shri T.N. Bhat, Member (J)

Heard both the parties for final disposal of the OA at the admission stage itself, as the pleadings in this case are complete.

2. The applicant has come to the Tribunal aggrieved by the decision of the respondents, more particularly Resp. No.1, not to provide the applicant another opportunity to appear before a Medical Board for having his vision tested. The applicant, after successfully passing the selection for the post of Sub-Inspector held by the SSC was disqualified on the ground that his vision was not according to the prescribed standards. The applicant got himself examined in the Guru Nanak Eye Hospital and there the concerned doctors certified that his vision was quite correct. He

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24.11.98.

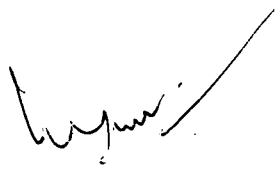
accordingly made representation for another re-examination but his request has not been acceded to. He accordingly prays for the following reliefs:-

(i) The respondents may be directed to consider the case of the applicant and be further directed to take the interview of the applicant, as the applicant is already serving in the same recruitment in 1997 [SI (Ex.) in Delhi Police Exam - 1997]. Also at the time of joining the Delhi Police as Constable (Ex.), he had met the required standards in Medical and Vision Tests, which are same as are required for Sub-Inspector's post.

(ii) Any other relief/direction as may be deemed fit and appropriate by this Hon'ble Tribunal in the facts and circumstances of the case, may also be directed.

3. The respondents have resisted the claim of the applicant on the ground that there is no rule permitting a second medical examination as claimed by the applicant. In reply to the applicant's contention that one Yudhveer Singh had been granted the relief claimed for second examination the respondents have stated that in his case the second medical opinion was sought by the Delhi Police on their own without consulting the Staff Selection Commission.

4. We have gone through the materials placed on record by the parties and find that in an identical situation one Satvinder Singh had been granted the relief



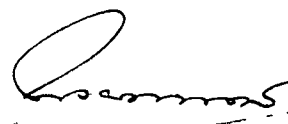
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of second medical examination. This fact is mentioned in the judgment of this Tribunal dated 10.3.95 delivered in OA-2368/94. The applicant in that case was an ASI and he had come to the Tribunal challenging the order by which his application for reconstitution of a Medical Board to test his vision had been rejected. The Tribunal allowed the OA and directed the respondents in that OA to constitute a fresh Medical Board to test the vision of the applicant therein. (13)

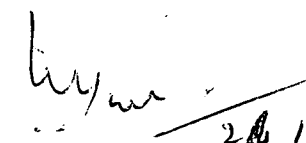
5. We find no grounds to refuse a similar prayer made by the applicant in the instant OA.

6. For the foregoing reasons, we allow this OA to the extent of directing respondents No. 1 & 2 to constitute a special Medical Board consisting of not less than three Ophthalmologists in the AIIMS, New Delhi to test the vision of the applicant. This shall be done within 6 weeks from the date of receipt of the copy of this order.

No costs.


(S.P. BISWAS)
Member (A)

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(T.N. BHAT)
Member (J) 24.11.98