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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 236/97

NEW DELHI THE 27<sup>th</sup> DAY OF FEBRUARY, 1997.

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN  
HON'BLE MR. S.R. ADIGE, MEMBER (A)

Shri Harish Chandra Satti  
Son of Shri A.D. Satti  
Resident of S-284, School Block  
Shakarpur  
Delhi-110 092

Applicant

(BY ADVOCATE SHRI S.D. SINGH)

vs.

1. Union of India  
through its Secretary  
Ministry of Railway  
Railway Board  
Rail Bhawan  
New Delhi.

2. Dy. Director, Estt. (GR)  
Railway Board  
Rail Bhawan  
New Delhi.

.... Respondents

ORDER

MR. JUSTICE K.M. AGARWAL:

Heard the learned counsel for the applicant on admission.

2. The applicant passed the Engineering Services Examination, 1994 but he was not given appointment because he was found medically unfit for any of the Engineering Services under the Railway Board.

3. The learned counsel for the applicant submitted that there was unanimity in expert opinion that no definite opinion can be given about colour blindness. In the present case, the private Doctor opined that the applicant suffered from partial colour blindness whereas the Medical Board found him to be suffering from complete colour blindness. It was submitted that

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in such a case the Central Government ought to have exercised its discretion in favour of the applicant and ought not to have directed for giving the applicant alternative appointment where he could work even with partial colour blindness. We find no substance in the contention.

4. After the applicant was found medically unfit on first medical examination, his case was considered by the Medical Board which also confirmed that the applicant suffered from complete colour blindness as was found at the time of his initial medical test. It appears that for the second time, the Medical Board considered the case of the applicant in the light of medical reports submitted by him from private Doctors. He was again subjected to test and again the opinion was that he suffered from complete blindness. This also happened for the third time. In these circumstances, it cannot be said that the discretion even if it was with the Government was not exercised in a just and reasonable manner and, therefore, we find no merit in this application.

5. The learned counsel for the applicant then referred to a decision of the Supreme Court in Civil Appeal No.9856 of 1995( Nandkumar Narayanrao Ghodmare Vs.State of Maharashtra & ors.) rendered on 30.10.1995 and submitted that in terms of the order of the Supreme Court a direction be also made in the present case for appointment of the applicant against some post. It appears that on humanitarian grounds the Supreme Court in the said case directed the Government to consider the case of the appellant therein to be appointed to any of the posts of Agricultural Officer of Class II Service other than the post sought for by the appellant in the appeal. That cannot be used

as a precedent and on that basis also we find no case for making any direction in favour of the applicant to take him in any of the Engineering Services under the Railway.

6. For the foregoing reasons, this application is hereby summarily dismissed.

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(K.M. AGARWAL)  
CHAIRMAN

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(S.R. ADIGE)  
MEMBER(A)

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