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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2112/2000

New Delhi: this the 11<sup>th</sup> day of October, 2001

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Kamal Kumar,  
s/o Sh. Virender Kumar,  
R/o B-8, P.S. Mehrauli,  
New Delhi-30.

.....Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1 Union of India,  
through  
Secretary,  
Ministry of Home Affairs,  
North Block,  
New Delhi.

2 Commissioner of Police,  
PHQ IP Estate,  
New Delhi.

3. Deputy Commissioner of Police  
(HQ estt) (SIP Branch)  
PHQ, IP Estate,  
New Delhi.

4. Deputy Commissioner of Police,  
II Bn. DAP, Kingsway Camp,  
Delhi.

.....Respondents

(By Advocate: Shri George Paracken)

ORDER

S. R. Adige, VC (A):

Applicant seeks appointment as Constable (Ex.) in Delhi Police with effect from the same date his batchmates have been appointed with consequential benefits.

2. Admittedly applicant was provisionally selected as Constable pursuant to respondents' advertisement dated 24.5.98. He was got medically examined in Civil Hospital Rajpur Road, New Delhi on 30.10.98 where

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he was declared medically unfit due to colour blindness. Upon his filing an appeal supported by medical certificates from two doctors, he was medically reexamined by the Medical Board of Lok Nayak Hospital on 30.6.99, and respondents state in their reply that he was declared medically fit by the Chairman, Medical Board. Respondents state further that as the Chairman Medical Board had not mentioned the specific disease because of which applicant was declared fit and because the two medical certificates indicated that applicant was not 100% free from colour blindness, they decided to get him re examined medically from an Eye Specialist in AIIMS.

3. In the light of the report of the Chairman, Medical Board declaring applicant to be medically fit, there should not be any necessity to subject him to yet another medical examination. If respondents so consider necessary, it is open to them to seek clarifications from the Medical Board which had re-examined applicant, without subjecting him to yet another medical examination, which in any case is not provided for under rules/instructions.

4. Respondents should take a final decision on applicant's appointment as Constable (Ex) within two months from the date of receipt of a copy of this order.

5. The OA is disposed of accordingly. No costs.

A. VedaValli  
( DR. A. VEDAVALLI )  
MEMBER (J)

S. R. Adige  
( S. R. ADIGE )  
VICE CHAIRMAN (A)

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