

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/21/281/2020

HYDERABAD, this the 5th day of August, 2020

**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



Shri B. Govindu, Gr. 'C'
S/o. Late Devijaya,
Aged about 47 years,
Occ: Loco Pilot, SC Rly /BDCR,
H.No.3-2-175/1, Vidyanagar colony,
Chunhcupalli G.P,
Bhadradri Kothagudem,
Telangana - 507101.

... Applicant

(By Advocate: Mr. G. Pavana Murthy)

Vs.

1. Union of India rep. by its
The General Manager (Personnel),
3rd floor, Rail Nilayam, S.C. Railway,
Secunderabad.
2. The Principle Chief Medical Director,
S.C Railway, Rail Nilayam,
Secunderabad.
3. The Chief Medical Superintendent,
S.C Railway, Chilkalguda, SC/Division,
Secunderabad.
4. The Sr. Divisional Electrical Engineer/TRS,
(O) BG, Secunderabad Division,
S.C Railway, Sanchalan Bhavan,
Secunderabad.
5. The Sr. Divisional Personnel Officer,
Sanchalan Bhavan, Secunderabad Division,
Secunderabad.

...Respondents

(By Advocate: Mrs. A.P. Lakshmi, SC for Railways)

O R D E R (ORAL)

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



2. Applicant while working as Loco Pilot in the respondents' organisation underwent prolonged treatment for hearing loss and finally underwent ear surgery on 17.3.2018. Despite the surgery applicant faced difficulty in hearing for which Railway ENT doctors advised using hearing aid. Applicant represented for constitution of medical board on 1.8.2018 and in response he was referred to ENT doctors at Koti Hospital who diagnosed the applicant as having 14% hearing loss. Based on the same applicant represented to consider his case for alternative appointment which was not conceded to and hence the OA.

3. The contentions of the applicant are that the railway doctor vide medical report dated 30.7.2018 has advised using hearing aid and that he cannot be made fit as loco pilot. Applicant has exhausted the leave at his credit and hence he is forced to work as Loco Pilot though he is not supposed to work so even with hearing aid as per 3rd respondent letter dated 22.1.2019. Other employees with better hearing ability than the applicant were medically de-categorised (Annexures A-26 & 27). Applicant cited Rule 47 of PWD Act 1995, IREM 511 (4) (ii) and Para 556 of IRMM to support his contentions.

5. When the case came up for hearing on 24.6.2010 the Ld. Counsel for the applicant submitted that no Medical Board was constituted to examine the hearing loss of the applicant. If done the grievance of the applicant would be resolved. Ld. Counsel for the respondents, at the first instance, was therefore directed to

ascertain from the respondents as to whether medical board was constituted to examine the hearing loss of the applicant. Respondents in response issued letter dated 23.7.2020 communicating the decision to constitute the Medical Board.

However, they did not indicate any date for the board to meet.



6. Ld. Counsel for the applicant submitted that the applicant being hearing disabled, it would be risky to pilot a locomotive, more so in the interest of safety.

Even with hearing aid the applicant is not permitted to run the locomotive as per 3rd respondent letter dated 22.1.2019. That being so, the applicant having exhausted leave at his credit is forced to discharge duties as Loco Pilot, which, the Ld. Counsel for the applicant claims, is neither in organisational interest nor in the interest of safety.

7. For reasons stated at para 6 above, respondents are directed to constitute the Medical Board for deciding the issue in regard to medical de-categorisation of the applicant as well as offer of alternative appointment in consonance with rules and in accordance with law, in a time span of 8 weeks from the date of receipt of this order.

With the above direction the OA is disposed of with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(ASHISH KALIA)
MEMBER (JUDL.)

al/evr