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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2476/2004

New Delhi, this the 9th day of August, 2005

Hon'ble Mr. Justice V. S. Aggarwal, Chairman
Hon'ble Mr. S.K. Malhotra, Member (A)

Shri Charan Singh
Roll No. 403531,
S/o Shri Balbir Singh,
R/o Vill-Pochanpur,
P.O. - Dhul Siras, P.S. Kapeshera,
New Delhi - 110 045.

...Applicant.

(By Advocate Mrs. Harvinder Oberoi)

Versus

1. Govt. of N.C.T. of Delhi.
Through its Chief Secretary,
New Sachivalaya, I.P. Estate,
New Delhi.
2. Joint Commissioner of Police,
Headquarters (Estt.)
Police Headquarters, I.P. Estate,
M.s.O. Building, New Delhi.
3. Dy. Commissioner of Police,
Headquarters (Estt.)
Police Headquarters, I.P. Estate,
M.S.O. Building, New Delhi.

...Respondents.

(By Advocate Shri Rishi Prakash)

O R D E R (ORAL)

By Mr. Justice V.S. Aggarwal, Chairman:-

The facts are not in dispute and can conveniently be delineated.

2. The applicant is a candidate for the post of Constable Driver in Delhi Police. He had been selected but was declared unfit by the Medical Board in Aruna Asaf Ali Hospital on the basis of colour blindness. On the request of the applicant, the respondents sought the second opinion about the medical fitness of the applicant. The Board re-examined the applicant and following paragraph of the counter reply filed by the respondents tells us as to what was reported:

"Accordingly, the Medical Examination Board was requested to furnish a clear medical opinion in the light of medical standard prescribed for the post under the rules vide Hdqrs. letter

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dated 9.2.2004. Thereafter, the Medical Examination Board vide their letter dated 19.2.2004 intimated that the "Edridge Green Colour test is a standard test for checking colour vision of drivers. The applicant was given the same test to determine his fitness for driving. He had cleared the above mentioned test on 15.1.2004 in the Eye Deptt. Of DDU Hospital (though he was found to be partially colour blind on Ishihara's Charts testing). It was, therefore, concluded that the applicant was fit for the post of driver".

3. It is on the strength of the same that the applicant's learned counsel urges that the Medical Board found the applicant fit under the Rules though it reported that he was partially colour blind on Ishihara's Charts testing. According to the respondents learned counsel, as per the Rules i.e. Delhi Police (Appointment and Recruitment) Rules, 1980, for the post of Driver Constable, the person should be free from colour blindness and there is no relaxation that is permissible.

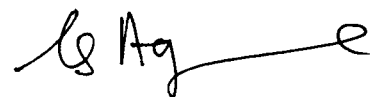
4. We do not dispute that the rules have to prevail and that there cannot be any relaxation in this regard. But what strikes glaringly in the report of the second Medical Board is that they declared the applicant medically fit despite what we have referred to above.

5. To set the controversy at rest, therefore, we direct that applicant should be examined by an Expert Board to be comprised by Director, Ophthalmology/ Head of the Department at Rajendra Eye Hospital. We request accordingly. The applicant should appear before the said Board as and when directed by the Head of the Department and they may consider if the applicant is colour blind or not, in terms of Rules to which we have referred to above.

6. With these directions, the OA is disposed of.


(S.K. Maihotra)
Member (A)

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(V.S. Aggarwal)
Chairman