

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

O.A. 74 of 1996

Date of order: 6.01.2005

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
Hon'ble Mr. N.D. Dayal, Administrative Member.

Asok Karmakar

- v e r s u s -

N.F. Railway

For the applicant : Mr. B.C. Sinha, counsel.

For the respondents : Ms. U. Sanyal, counsel.

O R D E R

Per Justice B. Panigrahi, VC

The applicant after coming out successful in the examination, was initially appointed as Apprentice Mechanic. On completion of Apprenticeship period, he was absorbed in the post of Chargeman 'B' on 4.12.1989. The applicant was having a diploma in Mechanical Engineering and after appointment as Chargeman 'B' he has been discharging his duties of Mechanical Engineering since 1992. In course of employment, the respondents found that the applicant suffered from eye sight defect. Therefore, he was advised to appear before the Medical Board. In the Medical Board it was noticed that the applicant was suffering from colour blindness and with this defect, the authorities were not in a position to engage him as Chargeman 'B'. Accordingly, the applicant was medically de-categorised and was absorbed as Head Clerk-G on pay Rs.1720/- in scale of Rs.1400-2300/- w.e.f. 14th November, 1995. Since then he has been working as Head Clerk. In this case he has made a prayer for once again directing the


B. Panigrahi

respondents to constitute a medical board and ask the applicant to appear therein. On examination, if such colour blindness or defect in eye is not noticed, he may be directed to revert to his original post of Chargeman 'B'.

2. The respondents in their reply have denied and disputed the stand taken by the applicant. They have inter-alia stated that since the applicant was suffering from defect in the eye sight and also colour blindness, therefore, he was allowed to appear before the Medical Board in which they noticed that the applicant could not be allowed to function as Chargeman 'B'. Therefore, he was decategorised and was given the Head Clerk Post. Once he accepted the Head Clerk post after being declared medically decategorised, it would not open to the applicant to make a prayer for his rapatriation to the post of Chargeman 'B'.

3. We have carefully gone through the medical report submitted by the respondent authorities. We notice that the applicant's vision was defective and the medical authorities have declared him as 'unfit' for B-I and 'fit' for B-II category. Therefore, instead of Chargeman II, they alternatively offered the applicant to discharge the function of Head Clerk which he had accepted. Once the applicant has accepted the post of Head Clerk, it would not be apposite once again to revert to his own position as Chargeman Gr.II.

4. Accordingly we find that there is no merit in this application and the same is dismissed. No cost.


Member (A)


Vice-Chairman.