

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION No. 462 of 2013

MONDAY, this the 8th day of June, 2015

CORAM:

**HON'BLE MR.U.SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE MR.R.RAMANUJAM, ADMINISTRATIVE MEMBER**

Murukesh S.Kumar, aged 26 years,
s/o P.M. Sasikumar,
Murukalayam, Mulavana P.O.,
kollam,
Kerala -691503

..... Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by
Secretary to the Government of India,
Ministry of Railways, Rail Bhavan,
New Delhi .
- 2 The General Manager, Southern Railway
Head Quarters Office, Park Town P.O.
Chennai -3.
- 3 The Sr. Divisional Personnel Officer,
Southern Railway, Madurai Division,
Madurai-10.
- 4 The Senior Divisional Medical Officer,
Southern Railway,
Madurai Railway Hospital,
Madurai -10.
- 5 The Chief Medical Director,
Southern Railway, MMC, 4th Floor,
Chennai -3. Respondents

(By Advocate Mr.Thomas Mathew Nellimootttil)

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This O.A. having been heard on 01.04.2015, this Tribunal on
08.06.2015 delivered the following :

O R D E R

HON'BLE MR.U.SARATHCHANDRAN, JUDICIAL MEMBER

Applicant is aggrieved by the medical classification below ~~Be~~ ^g two (B2) assigned to him for his appointment to the post Assistant Loco Pilot. He appealed against the outcome of his medical examination by the medical department of the railway and has produced certificates of ophthalmologists from outside the railway including a Government ophthalmologist to indicate that he has perfect visual acuity. He is aggrieved by the un-willingness of the respondents to take him on service as loco pilot.

2. According to respondents, the applicant had undergone a corrective surgery called Lasik surgery and as per para 503 g (1) of Indian Railway Medical Manual prescribing disqualification of candidates having refractive error, applicant cannot be accepted as medically fit in 'Aye one' category. It is contended by the railway that the decision of the railway medical authorities is based on expert medical opinion suiting the requirements of the railway service and fitness of the candidates for working in the railway and hence the Tribunal/ courts cannot interfere in the decision so taken regarding the medical fitness of the candidates.

According to railway, the reason that the candidate has undergone Lasik surgery for correction of refractive error is sufficient to reject the candidature for the post he applied for.

3. A rejoinder was filed by the applicant and an additional reply statement also was filed by the respondents.

4. We have heard M/s Jayakumar and Mr.T.C.Govindaswamy for the applicant and Mr. Thomas Mathew Nellimoottil, learned counsel for the respondents.

5. The issue involved in this case is whether the applicant having undergone corrective surgery for his visual defects can be justifiably rejected by the railways for his appointment as loco pilot in the railways or not. According to the applicant, modern procedures like lasik surgery involving laser treatment for correcting visual defects is well accepted throughout world even for the post of Pilots in the Indian Air Force, provided the corrective treatment was undertaken after 20 years of age. According to him, currently he is having perfect visual acuity as evidenced by the certificates issued by the private Ophthalmologist at Kollam and also by Govt.Ophthalmologist at Trivandrum. Mr.T.C.Govindaswamy, learned counsel pointed out that after having undergone corrective surgery, applicant has regained visual acuity suiting the visual standards of the Railways and hence there is no justification for the respondents to

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reject applicant's candidature. Mr.Thomas Mathew Nellimottil, learned counsel for the railway referring to para 503 (g) (i) of Indian railway Medical Manual submitted that the very fact that the applicant has undergone surgical correction of his refractive error is a disqualification so far as Railways are concerned. The aforesaid provisions in the Railway Medical Manual is extracted below:

"(i) Organic Disease:- Any organic disease or a progressive refractive error which is likely to result in lowering the visual acuity should be considered a disqualification ..."

6. According to Mr.Thomas Mathew, the Railway being the employer and nature of job for which the applicant is a candidate requires high standards of visual acuity, railway is justified in rejecting the candidature of the applicants, in spite of the fact that he has re-gained the visual acuity to normalcy after Lasik surgery..

7. After hearing both sides, we are of the opinion that the post to which applicant is a candidate i.e loco pilot being a vital job for the safe running of trains, the selected persons should have high quality vision as the job involves safety of travelling public. Hence we are unable to find any arbitrariness on the part of Railways when they declined to accept the candidate for such a vital post especially when the record shows that he had undergone lasik surgery. Applicant was intimated of his shortlisting for selection on 13.12.2012 and 23.01.2012. He was directed by the



Railways to appear for medical examination. In view of the safety aspects involved in the job of loco pilots we are not inclined to interfere with the decision of the Medical Board of the Railway that applicant is medically not fit in view of the organic disease he had in his eyes, though it was cured by lasik treatment.

8. In the result, the O.A. is dismissed. No order as to costs.

(Dated, this the 8th day of June, 2015)



(R.RAMANUJAM)
ADMINISTRATIVE MEMBER



(U.SARATHCHANDRAN)
JUDICIAL MEMBER

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