

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.13/92

DATE OF DECISION: 27.7.1993

P.B.Pavithran

.. Applicant

Mr. CS Ajith Prakash

.. Advocate for applicant

Versus

1. Union of India represented by the General Manager,  
Southern Railway, Madras.
2. Divisional Personnel Officer,  
Southern Railwa, Thiruvananthapuram.14.
3. Permanent Way Inspector,  
Southern Railway, Ernkulam South. .. Respondents

Mrs.Sumati Dandapani

.. Advocate for respondents

CORAM

The Hon'ble Mr. Justice Chettur Sankaran Nair, Vice Chairman

The Hon'ble Mr. R.Rangarajan, Administrative Member

J U D G M E N T

Chettur Sankaran Nair (J), Vice Chairman

Applicant claims that he is eligible to be considered for appointment as "Casual Labour", notwithstanding his being declared medically unfit in Class B1 medical category.

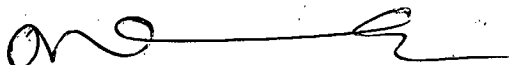
2. Applicant commenced service as a Casual Labour under the Inspector of Works on 21.3.80. With broken spells he continued in service till 29.4.89. Thereafter he was subjected to a medical examination and was found unfit for 'B1' medical category. According to him he is eligible to be considered for a category of lower medical classification. He relies on a decision reported in Sidharthan Vs. Union of India, (1990 (20) ATC 328) to support his contention.

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3. There are medical examinations of varying rigours depending on the requirement of the post concerned. 'A' Category imposes rigorous standards, 'B' less rigorous standards and so on. Applicant was found not measuring upto the B1 category. Notwithstanding that, he can be considered for a category of lower medical classification in the light of the principles enunciated in the decision cited. Equities also justify such a course and nothing in the rules forbid such a course. Respondents will accordingly consider the applicant's case and take appropriate action.

4. Application disposed of. No costs.

Dated the 27th July, 1993.



R. RANGARAJAN  
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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