

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE- 560 038.

Dated: 29 NOV 1994

APPLICATION NO: 905 of 1994.

APPLICANTS:- Miss.Rehana Begum,  
V/S.

RESPONDENTS:- The Chirman, Railway Recruitment Board,  
Bangalore-46 and two others.

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1. Sri.P.Rajashekar, Advocate,  
Jayadeva Hostel Building,  
Fifth Main, Gandhinagar,  
Bangalore-560009.
2. Sri.A.N.Venugopala Gowda, Advocate,  
No.8/2, Upstairs, R.V.Road,  
Bangalore-560 004.

Subject:- Forwarding of copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above  
mentioned application(s) on 25-11-1994.

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Issued on 29/11/94  
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for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

O.A. NO.905/94

FRIDAY THIS THE TWENTY FIFTH DAY OF NOVEMBER 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri T.V. Ramanan ... Member A]

Miss Rehana Begum,  
D/o Mohammed Ghouse,  
No.251, Masjid Road,  
Yelahanka,  
Bangalore-560 064.

... Applicant

[By Advocate Shri P. Rajashekar]

v.

1. The Chairman,  
Railway Recruitment Board,  
No.18, Millers' Road,  
Bangalore-46.
2. The General Manager,  
South Central Railway,  
Secunderabad [AP].
3. The District Controller of Stores,  
South Central Railway,  
General Stores Depot.,  
Hubli.

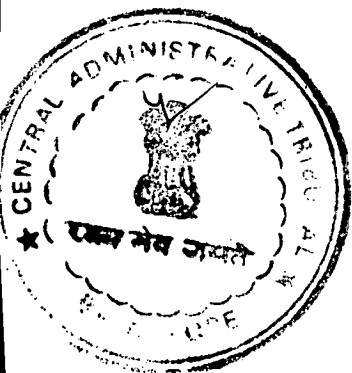
... Respondents

[By Advocate Shri A.N. Venugopala Gowda ...  
Standing Counsel for the Railways]

O R D E R

Shri T.V. Ramanan, Member [A]:

1. We have heard counsel on both sides. In this case the applicant responded to an advertisement issued by the Railway Recruitment Board ['RRB' for short] for recruitment to the posts of Office Clerk ['OC' for short]. The recruitment was for certain number of posts both in the South Central Railway ['SCR' for short] and Southern Railway the reservation being only for Scheduled Castes/Scheduled Tribes. The applicant qualified in the written examination and also



at the interview. She was recommended by the RRB for appointment as OC in the SCR. Later, on 24.5.1993, an offer of appointment as temporary OC was made to her by the District Controller of Stores, General Stores Depot, Hubli. This offer was subject of course to production of original certificates as regards date of birth, etc. and also her passing the prescribed medical examination by an authorised medical officer of the SCR. Unfortunately for her, the medical examination resulted in her being declared as unfit for C-2 category which was the standard required to be fulfilled by aspirants to the post of OC in the Railways. As a result, the SCR informed the applicant that they have found her medically unfit in the C-2 category meaning thereby that it would not be possible for SCR to engage her as CF by issuing an appointment order.

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2. Learned Standing Counsel for the Railways draws our attention to paras 509, 510 and 511 of the Indian Railway Medical Manual <sup>and</sup> states that a candidate for the post of OC should satisfy the requirement of general physical examination and vision test as for C-2 class of employees. Since on medical examination it was found that she could not meet with the requirements prescribed for C-2 class of employees she was found unfit to be offered appointment as OC and hence her non-appointment despite the fact that she had been selected and recommended by the RRB for such

a post. The medical certificate dated 15.6.1993 which was produced in the court shows that the applicant was declared unfit for C-2. There is no clear indication in the certificate whether the candidate suffered from any defect likely to interfere with the efficient performance of the duties on her appointment as OC. This is because para 511 relating to general physical examination provides that a candidate must be in good mental and bodily health and free from any defect likely to interfere with the efficient performance of the duties on his/her appointment. In Annexure A-5 produced by the applicant which is a copy of a letter addressed by the District Controller of Stores, SCR, Hubli to the Medical Supdt., Railway Hospital, Hubli, referring to the case of the applicant, there is at the bottom a write up which shows that the applicant stood physically handicapped to the extent of 60% disability orthopaedically. It is not disputed that the applicant is orthopaedically handicapped below her waist and moves about in crutches. The medical certificate dated 15.6.1993 referred to above does not specifically state whether this defect in her- i.e., her being orthopaedically handicapped below her waist would interfere with the efficient performance of the duties by her on appointment as OC in the Stores set up of the SCR. In the absence of any such mention it is not free from doubt whether at the time of medical examination the candidates disability as aforesaid was considered carefully vis-a-vis

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the duties required to be performed by her as OC in the event of her appointment to that post. In this view of the matter we consider it proper to direct the 2nd respondent, the General Manager, SCR, to constitute a medical board which would examine the applicant with reference to the observations made by us as above. To facilitate such medical examination we quash the letter dated 12.7.1993 at Annexure A-3. This direction shall be carried out within a period of three months from the date of receipt of a copy of this order. This application accordingly stands disposed of. No order as to costs.

Sd-  

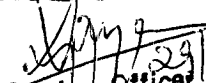

MEMBER [A]

Sd-  


VICE-CHAIRMAN

bsv

**TRUE COPY**

  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore