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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.652/92

Dt. of order: 10.1.94

Umesh Chandra

: Applicant

Vs.

Union of India & Ors. : Respondents

Mr.R.N.Mathur : Counsel for applicant

Mr.Manish Bhandari : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.).

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.O.P.SHARMA, MEMBER(ADM.).

Applicant Umesh Chandra, has filed this application under Sec.19 of the A.Ts Act, 1985 praying that letter dated 14.9.89 (Annex.A-1) issued by the respondents directing the applicant to undergo for the special Medical Examination should be quashed and the respondents should be directed to allow the applicant to join duty as Ticket Collector in pursuance of the letter dated 12.9.89.

2. The applicant was appointed in the Railways against the quota for the physically handicapped. Since he was considered to be blind at the time of his appointment, he was appointed to the post of Announcer in the pay scale of Rs.260-400 vide order dated 8.2.86 (Annex.A-2). Subsequently, the applicant underwent treatment for improvement of his vision and as he felt that his vision had now sufficiently improved and since there were no prospects of promotion in the post held by him, he applied for the post of Ticket Collector. The respondents, vide order dated 14.9.89 (Annex.A-1) asked the applicant to undergo Special Medical Examination. The applicant has stated that he should not be asked to undergo the Special Medical Examination. He has further stated in his application that his services have been terminated w.e.f. 15.9.89.

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3. Vide an order dated 25.10.89, the Tribunal had granted stay of the operation of the order dated 14.9.89 (Annex.A-1) to the extent that the applicant should be allowed to continue to work on the post of Announcer which he had been holding since 1986. Annex.B-1 dated 3.11.89 also shows that an order was passed that the applicant may be taken back on duty pending Medical re-examination. It is undisputed that since then the applicant has been continuing on the job of Announcer.

4. We have heard the learned counsel for the parties and have gone through the records. The applicant applied for the post of Ticket Collector for which vision required was of category B-2. If he seeks appointment to this post he must necessarily undergo the prescribed Medical Examination to enable the authorities to find out if he is fit in terms of Category B-2.

5. However, as regards continuance on the post of Announcer, the services of the applicant shall not be terminated merely because he has not offered himself for Special Medical Examination to certify him as fit on the post of Ticket Collector. At the same time, however, we make it clear that if under the rules, an employee is required to undergo periodical medical examinations from time to time for any post held by him, the respondents are not restrained from subjecting the applicant to such medical examinations.

6. The O.A. is disposed of accordingly with no order as to costs.

(O.P. Sharma)
Member (A)

Gopakrishna
(Gopal Krishna)
Member (J).