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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 339/91
T.A.No.

Date of Decision : 26-9-1991.

Ch. Bhaskara Rao

Petitioner.

Versus

petitioner (s)

Respondent.

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. J. Narasimha Murthy, Member (J)

THE HON'BLE MR. R. Balasubramanain, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)


HJNM


HRBS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 339 of 1991

Date of order: 26-9-1991.

Between

Ch.Bhaskara Rao

... Applicant

A n d

The Divisional Railway Manager,
South Eastern Railway,
Visakhapatnam.

... Respondent

Appearance:

For the applicant : Shri P.B.Vijaya Kumar, Advocate
for. the Respondent : Shri N.R.Devaraj, SC for Rlys.

CORAM:

The Hon'ble Shri J.Narasimha Murthy, Member (Judicial)

The Hon'ble Shri R.Balasubramanian, Member (Admn.)

J U D G M E N T

(of the Bench delivered by Shri R.Balasubramanian, Member/A)

This application is filed by Shri Ch.Bhaskara Rao under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the Respondents to appoint him as a welder or in any allied trade with B.2 medical category and if this is not possible, in the alternative to consider his case for any alternative category.

2. The Respondent has issued a circular dated 2-2-1989 inviting the sons and wards of railway employees to apply for Group-D posts in the technical cadre.

RB

contd...2.

Though he belongs to the Scheduled Tribe, ^{he} applied as a general candidate. He was interviewed by the Selection Committee, selected and placed at Serial No.17 of the list dated 1-8-1989. Subsequently, he was sent for medical examination which declared him unfit for B.1 category post but fit for B.2 category post. The applicant sought for re-examination according to the rules and in fact he was re-examined. ~~on 5-10-89~~. He has not heard anything subsequently. Hence this application for a direction.

3. The Respondent has filed a counter affidavit and opposed the prayer. They deny that he belongs to the Scheduled Tribe because the copy of the attestation form submitted by the applicant does not show him belonging to Scheduled Tribe. They contend that the post applied for requires B.1 category of medical fitness and there is no provision for direct recruits for a particular job, to be considered for alternative jobs requiring lesser medical standards. They also opposed it under the plea that there are a large number of widows awaiting employment in other Group-D categories, which require lesser medical standards.

4. We have examined the case and heard the learned counsel for the applicant Shri P.B.Vijaya Kumar and the learned Standing Counsel for the Railways Shri N.R. Devaraj on behalf of the Respondent.

5. The applicant has raised two legal pleas--(a) that the respondent was wrong in subjecting him to B.1 category contrary to the rules; and (b) that the Respondent should have considered him for alternative job when he was not upto the medical standard for the job he has applied for.

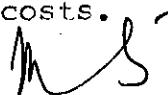
1. The Divisional Railway Manager, South Eastern Railway,
Visakhapatnam.
2. One copy to Mr.P.B.Vijaya Kumar, Advocate
1-8-7/13, Chikkadapally, Hyderabad.
3. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
4. One sapre copy.

pvm

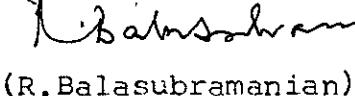
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We have seen the notification dated 2-2-1989. The posts indicated there are all technical posts, and the notification required applications from wards of serving/retired/deceased employees. The applications were called for only from un-reserved candidates for these Group-D posts in the technical cadre. It is the stand of the Respondents that these categories require B.1 medical status and the applicant was not considered upto this standard. After an initial rejection by the medical authority, the applicant sought for re-examination according to the rules and he was re-examined. In the re-examination in October 1989 also he was not considered fit for B.1 category but was considered fit ^{only} for B.2 category. These posts are for direct recruitment and when candidates are not upto the required medical standard, there is no obligation on the part of the Railways to provide them alternative jobs with lesser medical standard like B.2. The railways are, therefore, right in not considering the case of the applicant ~~for other jobs~~ more so when there is a waiting list of other dependents of deceased employees. The claim of the applicant that he belongs to the S/T community is also irrelevant since there is no reservation in the posts notified. It is, therefore, not necessary to go into the question whether the applicant belongs to S/T community or not.

6. In view of the above, there is no case for our interference and we accordingly dismiss the O.A. with no order as to costs.

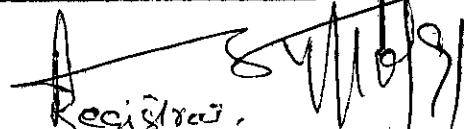


(J.Narasimha Murthy)
Member (J)


(R.Balasubramanian)
Member (A)

Date of the order: 26th day of Sept., 1991.

mhb/


8/10/91
Registered.

4/10/91
TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. J. NARASIMHA MOY M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATED: 26-9-1991

ORDER / JUDGMENT:

M.A. / R.A. / C.A. No.:

O.A. No. 339

T.S.A. No.

Admitted and Interim directions

Issued.

Allowed.

Disposed of with direction.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

No order as to costs.

