

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 767/91  
With Manu. S49/93

Date or Order: 22.7.93

M. Prabhakar Rao .. Applicant

Vs.

1. Senior Divisional Personnel Officer, South Central Railway, Divisional Office, VIJAYAWADA - 520 001.
2. Chief Hospital Superintendent, Railway Hospital, South Central Railway, VIJAYAWADA - 520 001. .. Respondents.

Counsel for the Applicant : G.V. Subba Rao

Counsel for the Respondents : V. Bhimanna, SC for Rlys

CORAM:

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (J)

(Order of the Divn. Bench passed by Hon'ble  
Shri A.B.Gorthi, Member (A) ).

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The applicant is a Physically Handicapped person being partially blind. He has passed Intermediate examination. His name was sponsored by the Department of Employment and Training for employment under the quota reserved for Handicapped Persons. He was considered for recruitment in the Railways and as can be seen from the Divisional Railway Manager, Vijayawada, letter dt. 29-11-88 he was

found suitable for being placed on panel for appointment as Sweeper/Safaiwala. He was thereafter sent for medical examination and he was found to be not fit for medical classification C-I. The applicant's short prayer herein is that his case may be considered for employment in any suitable post for which medical classification C-II would be permissible. He prays that he may be examined for his suitability in medical classification C-II so that he can be given suitable appointment.

2. This application was filed on 6-8-91 and despite notice issued on 8-8-91 the respondents have not yet filed a counter affidavit.

3. We have heard Shri G.V.Subba Rao, learned counsel for the applicant and Shri V.Bhimanna, learned counsel for the Respondents. Admittedly the applicant appeared before the selection committee and was found suitable for employment as a Sweeper/Safaiwala. The applicant's contention is that the Committee which selected him comprised, amongst others, the Divisional Medical Officer. It was after considering the extent of his Handicap, he was found suitable for employment as a Sweeper/Safaiwala. Sri G.V.Subba Rao, learned counsel for the applicant contends that rejecting the applicant's candidature on the ground that he did not come up to Medical Classification C-I is unfair and unjust.

1. The Senior Divisional Personnel Officer,  
S.C.Railway, Divisional Ofice,  
vijayawada-1.
2. The Chief Hospital Superintendent,  
Railway Hospital,  
S.C.Railway, vijayawada-1.
3. One copy to Mr.G.v.Subba Rao, Advocate, CAT.Hyd.
4. One copy to Mr.v.Bhimanna, SC for Rlys. CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

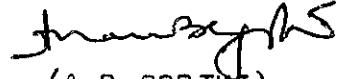
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4. In view of the points stated above we deem it just and proper to dispose of this O.A. with a direction to the Respondent in the following terms :-

- (i) the applicant may be subjected to a fresh medical examination;
- (ii) if the applicant is found fit even in medical classification C-II, his case should be considered for appointment to any suitable post for which medical classification C-II is permissible;
- (iii) the appointment of the applicant will be made against any vacancy existing in the quota meant for Handicapped persons;
- (iv) the respondents to comply with these directions within three months from the date of receipt of this order.

5. The application is disposed of in the above terms. No order as to costs. As the O.A. itself has been disposed-of, M.A.549/93, which is a direction petition has become infructuous and is dismissed.

  
(T.CHA.DRASEKHAR REDDY)  
Member (J)

  
(A.B.GORTHI)  
Member (A)

Dated: 22nd July, 1993.  
Dictated in Open Court.

  
Deputy Registrar (J)

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