

(53)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA No.762/93.

Dt. of Order:12-7-93.

B.Chandrasekhar

...Applicant

Vs.

1. Secretary to the Government of India,
Department of Space, Anthariksha Bhavan,
New B.E.L.Road, Bangalore, Karnataka State.
2. Head Personnel & General Administration/
Appointing Authority/Disciplinary Authority
for Group C & D Employees, Department of
Space, SHAR Centre, Sriharikota Range,
Nellore District - 524 124.
3. Head Personnel & General
Administration (Recruitment & Reviews),
Department of Space,
Nellore District-524 124.

...Respondents

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI P.T.THIRUVENGADAM : MEMBER (A)

(Order of the Div. Bench passed by Hon'ble

The applicant applied for the post of light vehicle

been
dt.12-2-93 that he had found medically unfit due to

"ALTERNATE DIVERGENT SQUINT WITH AMBLOPIA EX ANOPSIA".

Then the applicant got himself examined by Dr.Venugopala-
chary and he had given certificate that the applicant is

not suffering from the above defect and fit for the post

of Light Vehicle Driver and then the applicant submitted the said certificate to the Respondents with a representation for consideration. When that representation was not disposed of, the applicant filed O.A.229/93 on the file of this Bench. The same was disposed of with a direction to Respondent No.2 to consider the said representation. While referring to the judgment dt.7-4-93 in O.A.229/93, the applicant was informed by impugned letter dt.28-4-93 that it is established that the applicant's exact ^{reading} ~~recording~~ of visual acuity is "Right Eye : 06/6 and Left Eye : 06/18, and there cannot be any improvement with glasses or pin hole."

2. The two contentions raised for the applicant in assailing the letter dt.28-4-93 of Respondent No.1 are (i) when Respondent No.2 was directed to dispose-of the representation of the applicant, Respondent No.1 disposed-of the same and thus there is infirmity; (ii) ^{applicant's exact} ~~on the basis of~~ reading of visual acuity was not raised when he was stated to be unimpaired.

letter dt.12-2-93. || Sri N.R.Devraj, Senior Standing counsel for Central Government is also present and heard.

3. Respondent No.2 ^{is} working under Respondent No.1. ^{Hence} since the applicant cannot have any grievance ^{as of} when an authority higher than the authority who is required to consider his representation had disposed of it.

4. ~~On~~ In regard to a post of Vehicle Driver some medical standards are prescribed as minimum qualifications in the interest of the passengers and pedestrians safety. When once it is brought to the notice of the Court/Tribunal that a candidate ~~does~~ not satisfy the minimum medical standards then it is not just and proper to ignore it merely on the ground that ~~certain~~ ^{in regard to the same} objections were taken at the earlier test.

~~In order to avoid further delay it is just and proper to direct Respondent No.1 to take steps for constituting~~
~~considering~~ Medical Board as envisaged under para 30(a) of Hand Book on Medical Examination, ~~issued~~
of Government of India, Ministry of Family Planning, Department of Health. We make it clear that it is ~~open to~~
~~the Respondents to place all~~ the relevant material before the said board. The steps ~~for constituting~~ the said board have to be taken within two weeks from the date of receipt of this order. ~~As~~
the applicant is found fit, then it is needless to say ~~that~~
^{for appointment of} light Vehicle Driver as it is stated that the said post is still vacant.

6. The Respondent No.1 has to furnish a copy of the ~~report~~
~~of the~~ examined the applicant

before 12-2-93. Original Application is ordered accordingly. No order as to costs.

P. J. 26
(P.T. THIRUVENGADAM)
Member (A)

V. Neeladri Rao
(V. NEELADRI RAO)
Vice-Chairman

Dated: 12th July, 1993.
Dictated in Open Court.

8/17/93
Deputy Registrar (J)

avl/

To

1. The Secretary to Govt. of India, Dept. of Space,
Bhavan, New B.E.D. Road, Bangalore, Karnataka State.
2. The Head Personnel & General Administration/Appointing
Authority/Disciplinary Authority for Group C & D
Employees, Department of Space, SHAR Centre,
Sriharikota Range, Nellore Dist. 124.
3. The Head Personnel & General Administration
SHAR Centre, Sriharikota Range, Nellore Dist. 124.
4. One copy to Mr. V. Sudhakar Reddy, Advocate,
1-7-139/40, S.R.K. Nagar, Hyderabad-48.
5. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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*Atty. Genl.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTY : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (J)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated : 12-7-1993

ORDER/JUDGMENT:

Central Administrative Tribunal
DESPATCH
21 JUL 1993
HYDERABAD BENCH.

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

in

O.A.No.

762/93

T.A.No.

(w.p.)

Admitted and Interim directions
issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/ Ordered

No order as to costs.

pvm

Central Administrative Tribunal
HYDERABAD BENCH
20 JUL 1993
RECEIVED
TAPPAL SECTION