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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1000/95

Date of Order: 7-9-95

Between:

T.Chalapathi Rao.

.. Applicant ..

and

1. Union of India rep. by its
General Manager, S.C.Rly,
Railnilayam, Secunderabad.
2. Financial Advisor and Chief Accounts Officer(C&P)
Office, S.C.Rly,
Railnilayam, Secunderabad.

Respondents.

For the Applicant :- Mr. G.Ramachandra Rao,

For the Respondents: Mr. N.R.Devraj, S.C.for Rlys.

CORAM:

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

THE HON'BLE MR. A.B.GORTHY : MEMBER(ADMN)

OA.1000/95

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, V.C.)

Heard Sri G. Ramachandra Rao, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. The applicant joined service in the Railways as Junior Clerk in 1972. After he passed the requisite test the applicant was duly selected for promotion to the post of Cashier in 1980. He was promoted as Supervisor on 4-6-1993 and he is continuing in the said post eventill today.

3. On 4-3-1994 the applicant was called upon to undergo medical test as he completed 45 years, for as per rules, the railway employees including Shroffs and Cashiers etc. have to undergo medical test on completion of 45 years. He was found fit in C-1 category and unfit in B-1 category. R-2 issued proceedings No.ACP/A00/Part-V dated 7-11-1994 and 9-3-1995 decategorising the applicant from the post of Supervisor and he was offered the post of Office Superintendent subject to selection. The same is assailed in this OA.

4. While it is stated for the respondents that the applicant was not subjected to medical test when he was selected to the post of cashier in 1980, and as a cashier has to be found fit for B-1 Category and as in the medical test that was held in 1994 the applicant was found fit for only in C-1, the applicant was medically decategorised, the submission for the applicant is that he was found fit for

C-1 in 1980, and the same was found as sufficient for the post of Cashier and accordingly he was promoted as Cashier in 1980.

5. It is conceded for the respondents that no vision test is required for the post of supervisor in which the applicant was working even by the date on which he was subjected to medical test in 1994. Assuming that there was an irregularity in promoting the applicant as cashier in 1980, then the applicant cannot be decategorised in the higher post in which he is now working, for the vision test for the post of cashier is prescribed for safety purpose. It is not the case of the respondents that the applicant was not otherwise eligible for promotion as cashier. Hence, there is no need to consider for the disposal of this OA as to whether one has to be found fit for C-1 or B-1 for the post of Cashier in 1980.

6. Hence the impugned proceedings dated 7-11-1994 and 9-3-1995 are set aside and the OA is allowed accordingly.
No costs./f

(A.B. Gorthi)
Member (Admn)

(V. Neeladri Rao)
Vice Chairman

Dated : September 7, 95
Dictated in Open Court

Deputy Registrar(J)CC

- To
1. The General Manager, Union of India,
S.C.Rly, Railnilayam,
sk Secunderabad.
 2. The Financial Advisor and Chief Accounts Officer
(C&P Office, S.C.Rly, Railnilayam, Secunderabad.
 3. One copy to Mr.G.Ramachandra rao, Advocate, CAT.Hyd.
 4. One copy to Mr N.R.Devraj, SC for Rlys. CAT.Hyd.
 5. One copy to Library, CAT.Hyd.
 6. One copy copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

and

A. B. Gorkhi

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

DATED:- 7-9-1995.

ORDER/JUDGMENT.

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

in

O.A.No.

1000/95

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

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No spare copy

Central Administrative Tribunal
DESPATCH
27 SEP 1995
HYDERABAD BENCH.