

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1261/99.

Dt. Of Decision : 31-08-99.

J.P.V.Prasad

.. Applicant.

Vs

1. The General Manager,
SC Railway, Rail Nilayam,
Sec'bad.
2. The Chief Personnel Officer,
SC Railway, Rail Nilayam,
Sec'bad.
3. The Divl. Railway Manager,
SC Railway, Guntakal Division,
Guntakal.
4. The Sr.Divl.Personnel Officer,
SC Railway, Guntakal Division,
Guntakal.
5. The Chief Medical Superintendent,
SC Railway, Guntakal.
6. The Chief Medical Director,
SC Railway, Rail Nilayam,
Sec'bad.

.. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.J.R.Gopala Rao, SC for Rhys.

CORAM:-

THE HON'BLE SHRI JUSTICE D.H.NASIR : VICE CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and
Mrs.Sakthi for Mr.J.R.Gopala Rao, learned counsel for the respondents.



2. The applicant submits that he has been selected for the post of Office Clerk in the Mechanical Department against Scouts quota by the order No.G/P.563/14/31.Clerk/Vol.1 dated 15-04-91 (Annexure-3). But he was found medically unfit due to some defective vision for that category. The applicant later underwent the medical treatment under Dr.P.S.Hardia, who has given a certificate (Annexure-IX Page-20 to the OA) to the effect that he does not suffer from any Myopia condition. The applicant was further reexamined by the second medical examination Board on 15-3-95. But it appears that he was not found fit. This is evident from his representation dated 24-02-98 (Annexure-XVIII). The only contention of the applicant is that defective vision will not debar him from posting ^{him} as Office Clerk in the clerical cadre as per the Medical Manual. The applicant's representation dated 24-02-98 was rejected by the impugned order No.G/P.600/BSG/GTL/OA/61/98 Dated 6-8-98 (Annexure-I). It is stated that his representation dated 24-02-98 was forwarded to the General Manager, SC Railway i.e., R-1 herein and it was rejected and was informed to him by R-3 by the impugned order dated 6-8-98 (Annexure-I).

3. This OA is filed to set aside the impugned order No.G/P.600/BSG/GTL/OA/61/98 Dated 6-8-98 (Annexure-I) and for a consequential direction to the respondents to appoint the applicant as Office Clerk in the Mechanical Department in the scale of pay of Rs.950-1500/- against Scouts quota.

4. The case of the applicant is that the rejection of his case on medical ground is unwarranted. As per the Medical Manual the applicant is fit enough even with defective vision for posting in the clerical grade. He has been posted by the posting order dated 15-4-91 as Office Clerk in the Mechanical Department. We are not sure whether the Office Clerk in the Mechanical department need not adhere to the medical standards prescribed. Hence, we are of the opinion that the applicant, if so advised, may submit a detailed representation to the Railway Board preferably to the Member Staff or Member Mechanical for consideration of his representation. If such a representation is received by the Railway Board ~~or~~ in the said authority ~~the same~~ should be disposed of ^{to him} within 2 months from the date of receipt of a copy of that representation by a speaking order indicating as to



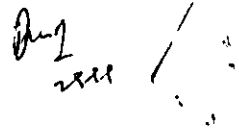
^{why} ~~how~~ his case cannot be considered ^{in view of} ~~even as per~~ the medical standard prescribed in the Medical Manual.

5. The OA is ordered accordingly at the admission stage itself. No costs.
(Registry should send a copy of the OA along with the judgement to the Railway Board)


(R. RANGARAJAN)
MEMBER (ADMN.)


(D. H. NASIR)
VICE CHAIRMAN

Dated : The 31st August, 1999.
(Dictated in the Open Court)


28/8

SPR

IST AND II NO COURT

COPY TO :-

1. HDHND
2. HRRN M (A)
3. HBSOP M (J)
4. D.R. (A) ✓
5. SPARE ✓
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN ✓

THE HON'BLE MR. A. RANGASWAMI
MEMBER (ADMN.) ✓

THE HON'BLE MR. C. S. JAI PARAMESWAR
MEMBER (JUDL) ✓

* * *

DATE OF ORDER: 31/8/99

MA/RA/CP.NE.

IN

CA. No. 1261/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

CA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS

