

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR**

Original Application No. 1135 of 2004

Indore, this the 20th day of October, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Chanchal Kumar, S/o. Shri Sualal,
Aged about 29 years, residence near
Anand puri, Nai Bhasti Near Dr. Handa
Clinic, Dhola Bhata Road, Ajmer Applicant

(By Advocate – Shri Ramesh Chandra)

V e r s u s

1. Union of India, through Chairman,
Railway Board, Rail Bhawan,
New Delhi.
2. Dy. Director Estt. (RRB),
Railway Board, Rail Bhawan,
New Delhi.
3. Chairman, Railway Recruitment Board,
East Railway Colony, Bhopal.
4. Member, Secretary, Railway Recruitment
Board, East Railway Colony, Bhopal.
5. Chief Medical Superintendent,
Railway Hospital, Bhopal.
6. General Manager, Western Railway,
Churchgate, Mumbai. Respondents

(By Advocate – Shri M.N. Banerjee)

O R D E R (Oral)

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant has claimed the following reliefs : 

"(i) allow this Original Application in the interest of justice and fair play and impugned order of Annexure A-1 may be quashed,

(ii)to issue necessary direction to respondent No. 3 & 4 to consider humbly applicant case for re-medical examination or for alternative appointment, if deem necessary."

2. The brief facts of the case are that an advertisement No. 1/2002 was published in the Employment News inviting applications for filling up the vacancies of various posts including the post of Diesel Assistant and Electrical Assistant. The applicant had qualified the written examination and also the psychological test. He was called for verification of the documents for final selection on 9.12.2003 at Bhopal. After verification of all the documents he was directed to report to the Chief Medical Superintendent, Railway Hospital, Bhopal for medical examination on 9.12.2003. No medical memo was issued to the applicant before the medical examination. The applicant was fully satisfied about his vision test but he was found unfit in vision test and his candidature has been canceled by the impugned order Annexure A-1. He got himself tested in the Government Hospital, Ajmer as well as with an Eye Specialist and found no abnormality in his vision. Hence, there was possibility of error in the decision of the examining medical authorities. He submitted an appeal dated 7.1.2004 and also issue legal notice on 5.4.2004. The applicant filed the certificates of his vision test dated 3.1.2004 of Govt. Hospital and 26.3.2004 issued by the Eye Specialist with direction to constitute medical Board to find out the possibility of error of decision by the examining medical authority. The representations of the applicant are not considered by the respondents. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that in the selection conducted by the respondents for the post of Diesel Assistant and

88

Electrical Assistant the applicant succeeded in the written test and psychological test but he was declared unfit in the vision test. Hence, his candidature was cancelled and his name was removed from the select list by the impugned order dated Annexure A-1 dated 19.12.2003. His vision test was conducted by the respondents on 9.12.2003. Subsequently on 3.1.2004, he got himself examined in Government Hospital where his vision was found to be proper and also on 26.3.2004 he examined himself with the Eye Specialist who has given direction to constitute a medical Board to find out the possibility of error in the decision of the examining Railway Doctor. The applicant is legally entitled for the reliefs claimed.

5. In reply it is argued on behalf of the respondents that the applicant was sent to the Railway Hospital and he was found unfit in the vision test. As per Annexure R-I dated 4th September, 2001 issued by the Government of India, Ministry of Railway, Railway Board, New Delhi, those candidates who do not qualify in the vision test are not to be considered for appointment. The vision test of the applicant was conducted by the authorised medical authorities. The certificates produced on behalf of the applicant are irrelevant. Hence, this Original Application deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, we find that the applicant was found unfit in vision test conducted by the respondents on 9.12.2003. We have perused Annexure A-8 which is issued from Jawaharlal Nehru Hospital, Ajmer and supports the version of the applicant. We have also perused Annexure A-9 issued by Dr. Khunger's Eye Care Centre, wherein the Doctor has certified that he is fully aware that the applicant has already been rejected as unfit for selection in the Railways by medical officers but he has examined himself and found that the vision of the applicant is proper and he is having normal colour as per the Railway Instructions.



7. Considering all the facts and circumstances of the case, we are of the considered view that the present Original Application deserves to be allowed and the impugned order dated 19.12.2003 (Annexure A-1) is liable to be quashed and set aside. We do so accordingly. The respondents are directed to conduct the re-medical examination of the applicant with regard to his vision by the competent Doctors specified in the rules, within a period of two months from the date of receipt of a copy of this order.

8. Accordingly, the Original Application stands allowed with no order as to costs.

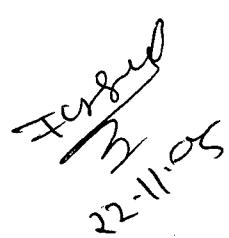

(Madan Mohan)
 Judicial Member


(M.P. Singh)
 Vice Chairman

पूर्णांकन सं ओ/व्या.....जबलपुर, दि.....
 चुटिकिंवि लालो रेता
 "SA" (1) जहिल, जहां चाहा तो दाता होनी चाहा, जबलपुर
 (2) अकेकर दी/ मैती, तु..... ने घासल
 (3) प्रताची जी/ लैटी/ कु..... ने घासल
 (4) वंथाला, टोपा, जू (सु) तो, तु.....
 सूचना एवं अवध्यक कार्यकारी दंतु

Ramachand 22/11/05
 M. N. Biju 22/11/05

उप राजस्वार


 Ferguson
 22-11-05