

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

R.A. No. 198/2015
O.A. No. 146/2014
C.P. No. 368/2015
M.A. No. 2550/2015

New Delhi, this the 26th day of November, 2015

HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE MR. RAJ VIR SHARMA, MEMBER (J)

Commissioner of Police,
PHQ, MSO Building,
I.P. Estate, Delhi-110092.

.. Review Applicant

(By Advocate : Shri Amit Anand)

Versus

Ms. Sapna Suryan,
D/o Shri Satyendra Kumar Suryan,
R/o H.No.RZ-185, Shive Block,
Raghu Nagar,
Pankhh Road, New Delhi-45.

.. Respondent

(By Advocate : Shri Ajesh Luthra)

ORDER (ORAL)

By Hon'ble Mr. P.K. Basu

Heard Shri Amit Anand, learned counsel for review applicant and Shri Ajesh Luthra for the respondent, i.e. original applicant.

2. The only issue before us in the Review Application is that whereas in the Advertisement the phrase used was "The minimum distant vision should be 6/6 and 6/9 of two eyes without correction

i.e. without wearing of glasses” and since LASIK is a correction and “without wearing of glasses” is merely illustration of “correction”, the Coordinate Bench of the Tribunal, after hearing, erroneously concluded that LASIK correction is permitted.

3. We have gone through the earlier order in O.A. No.145/2014 along with connected O.As. dated 27.02.2015 and we find that the Tribunal had examined this very contention in reasonable detail in para 16 and also looked at other examinations conducted for Central Armed Police Forces where “correction” permitted included with Glasses/Lasik Surgery. Moreover, it has also examined several judgments of the Hon’ble High Courts of Delhi, Guwahati and also this Tribunal and came to a reasoned conclusion that in the absence of any exclusion under the medical standard for eye-sight of candidates, who had undergone LASIK Surgery, the present applicant cannot deprive employment on the basis of the opinion of Review Medical Board.

4. In our considered view, this is not a case of an error apparent on the face of record, in view of law settled by the Hon’ble Supreme Court regarding scope of review application, specifically in **Kamlesh Verma Vs. Mayawati and Others**, (2013) 8 SCC 320 and **State of West Bengal and Others v. Kamal Sengupta and Another**, (2008) 8 SCC 612.

5. In view of above, this R.A. cannot be maintained and, accordingly, the same is dismissed.

(Raj Vir Sharma)
Member (J)

(P.K. Basu)
Member (A)

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