

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2830/2015
M.A.No.507/2016

Tuesday, this the 9th day of February 2016

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

Amit, aged about 27 years
Unemployed
s/o Mr. Shakti Singh
r/o H.No.16, V & PO Nimoth
District Rewari, Haryana

(Mr. Babu Ram Sharma, Advocate)

..Applicant

Versus

1. Delhi Metro Rail Corporation Limited
(A Joint Venture of Govt. of India &
Government of Delhi)
Through its General Manager
Metro Bhawan, Fire Brigade Lane
Barakhamba Road,
New Delhi-1
2. Govt. of NCT of Delhi
Through its Chief Secretary
5 Shyam Nath Marg
Delhi-54
3. Union of India
Through its Secretary
Ministry of Human Resources Development
1, Shastri Bhawan, New Delhi

..Respondents

(Mr. V.S.R. Krishna, Advocate briefed by Ms. Kumkum Mishra,
DGM/Legal & IR, Departmental Representative)

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

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The applicant herein was provisionally short-listed for the post of Customer Relations Assistant (CRA) subject to the medical fitness in Aye-

one medical category as per Indian Railway Medical Manual (IRMM). He was sent for pre-appointment medical examination at DMRC authorized hospital, viz. General Williams Masonic Polyclinic, New Delhi for medical fitness on 23.01.2015. He was declared medically unfit for defective vision having acuity of vision : 6/12, 6/12 with a very high number of glasses. As per the extant Rules, the applicant requested for second medical opinion. On his request, he was sent to another hospital, viz. Centre of Sight, Delhi for determination of the acuity of the vision. The Centre of Sight, Delhi gave its report dated 05.03.2015 finding the vision of the applicant 6/6, 6/6. With such change about the acuity of vision of the applicant, the respondents had a doubt that before second medical examination, he had undergone lasik surgery, thus he was referred back to the first medical authority for its comments on the discrepancies of the two reports. The authority then called him and inspected his vision thoroughly through special equipments and found that the applicant had indeed undergone lasik surgery to correct his vision. Since as per the extant Rules a candidate having undergone lasik surgery is considered unfit for the post of CRA, the applicant was not appointed to the post being medically unfit.

2. In paragraph 2 of the rejoinder, the applicant has categorically averred that he had not undergone any lasik eye surgery. Confronted with the plea, Mr. V.S.R. Krishna, learned counsel for respondents, on instructions from the Departmental Representative, present in the Court, submitted that the Corporation would send the applicant for another medical examination to All India Institute of Medical Sciences, New Delhi and if it is found that he has not undergone lasik surgery and is upto the

standard without undergoing lasik surgery, the applicant would be considered for appointment to the post in question.

3. With such stand taken by the respondents, the Original Application stands disposed of. Let the needful be done within four weeks from the date of receipt of a copy of this Order. If the stand taken by the applicant in paragraph 2 of the rejoinder is found incorrect, the Corporation would be entitled to blacklist the applicant for employment for all times to come and will also be at liberty to move an application under Section 340 Cr. PC, if so advised. No costs.

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In view of the aforementioned Order passed in O.A. No.2830/2015, the M.A. stands disposed of. No costs.

(V.N. Gaur)
Member (A)

(A.K. Bhardwaj)
Member (J)

February 9, 2016
/sunil/