

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/0072/2017

DATED THIS THE 25TH DAY OF OCTOBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

Sunil Kumar Yadav,  
S/o.Shri.Bachu Singh Yadav,  
Aged about 29 Years,  
Residing at Rohipur (Vill+Post)  
Gazipur (District)  
UP. 233308.

...Applicant.

(By Advocate Shri Izzhar Ahmed)

Vs.

1. The Chief Medical Director,  
Head Officer,  
Medical Branch,  
Gadag Road,  
Hubli.20.

2. The Chief Medical Superintendent,  
Railway Hospital,  
South Western Railway,  
Mysore-23.

3. Senior Divisional Personnel Officer,  
South Western Railway,  
Hubli Division,  
Hubli.20.

4. Union of India,  
Through the General Manager,  
South Western Railway,  
Gadag Road,  
Hubli.20.

5.The Secretary,  
Ministry of Railways  
Railway Board,  
New Delhi-110 001.

...Respondents

(By Shri N. Amaresh, Railway Standing Counsel)

O R D E R (ORAL)HON'BLE DR. K.B. SURESH, MEMBER(J)

Heard. The logic must reign the field in justice delivery. The medical Board had found that the applicant is suffering from an old fracture on his left elbow. At that time when the earlier OA was being heard, apparently the applicant had appeared before the Bench and had exhibited his prowess in using the computer. It was Shri J. Bhaskar Reddy, learned counsel then appearing, submits that at that point of time, there was some difficulty for him to operate his left hand. Even then he would come under the beneficial ambit of Section 47 of Disability Act. For that reason he cannot be discriminated against. But even otherwise also, since he is a right handed man, applicant can very well be utilized as a Commercial Clerk for the usage of Computer and Computer key board. There cannot be any doubt in that.

2. We therefore, hold and declare that the Medical Board's opinion was not in relation with the requirements of the job and without any relevance to the requirement of the job. Therefore, we set it aside and direct that the applicant be appointed within one month.

3. OA disposed of as above. No costs.

(P.K. PRADHAN)  
MEMBER(A)

(DR. K.B. SURESH)  
MEMBER(J)

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**Annexures referred to by the applicant in OA No.170/00072/2017**

Annexure A1: Copy of Notification dated 27.02.2010.

Annexure A2: Copy of letter dated 23.09.2014.

Annexure A3: Copy of offer of appointment dated 23.06.2015.

Annexure A4: Copy of letter dated 21.08.2015.

Annexure A5: Copy of private medical report dated 21.08.2015 and 23.09.2015.

Annexure A6: Copy of letter dated 17.11.2015.

Annexure A7: Copy of Railway Board's letter dated 05.06.2014.

Annexure A8: Copy of interim order dated 14.01.2016 in OA.46/2016.

Annexure A9: Copy of medical report dated 23.07.2015.

Annexure A10: Copy of order dated 02.06.2016 in OA.46/2016.

Annexure A11: Copy of medical memo dated 22.06.2016.

Annexure A12: Copy of legal notice dated 14.11.2016.

Annexure A13: Copy of letters dated 29.11.2016 and 03.12.2016.

Annexure A14: Copy of impugned letter dated 02.12.2016.

Annexure A15: Copy of Rule-104 of IRCM-I, 1992.

Annexure A16: Copy of job profile of Commercial clerk.

Annexure A17: Copy of Rule of section-B of IRMM-I, 2000.

Annexure A18: Copy of applications under RTI dated 23.12.2016.

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