

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00811/2018

DATED THIS THE 20TH DAY OF AUGUST, 2019

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

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Sri Chowda Reddy A
S/o Shri Anjappa,
Aged about 31 years
Residing at
Marinayakanahalli Village,
Nandiganahalli Post,
Muragamalla Hobli, Chintamani Taluk,
Chickballapur District 563 125
(By Advocate M/s Subbarao & Co.)

..... Applicant

Vs.

1. The General Manager
South Western Railway,
Hubbali 580 001

2. The Divisional Railway Manager,
Mysuru Division,
South Western Railway,
Mysuru 570 001

3. The Senior Divisional Personnel Officer,
South Western Railway Manager,
Mysuru 570 021

4. The Chief Medical Superintendent
Divisional Office,
South Western Railway,
Medical Branch,
Mysuru 570 020

....Respondents

(By Shri N. Amaresh, Counsel for the Respondents)

O R D E R (ORAL)

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

Heard. Applicant who was a Traffic Peon and who got appointment in the physically challenged category now seeks to become a Goods Guard. He has only one arm, therefore, we had asked for a clarification from the learned counsel for the applicant as to how he will be able to work as a Goods Guard with only one arm. His answer is that it is there in the notification so the railways must have considered all these aspects also. We beg to disagree. There will be times in the functioning of the Goods Guard when he may need to show signal as well as pull the brake also. Obviously with only one arm he will not be able to do so. The next ground raised by Shri Vishwanath Bhat, learned counsel for the applicant, is that there are several people appointed in the railways with the same kind of disability. Therefore, there will be a direction to the Railway Board to examine this factor in the light of safety of the public who travel in the train. At this point of time Shri Vishwanath Bhat clarifies that in one arm there is about 45%

disability and that cannot be used. That is equivalent to having one arm as he has use of only one arm. We feel that unnecessarily an issue had been raised to the detriment of the railways. He has already been given job of Traffic Peon and his aspiration to become a Goods Guard taken in the ambit of safety of the general public who may be travelling and the goods that is being carried will be severely jeopardized if persons like applicant are allowed an entry into such post as it is known that Goods Guards is an almost automatic progression to the Passenger Train Guard also. Therefore, we feel that the applicant seems to have sullied the process of adjudication. We hold the case put up by the applicant to be non-meritorious.

2. At this point of time Shri Vishwanath Bhat points out that vide Annexure-A11 to A14 similarly situated persons had been appointed. For them also an appropriate decision will be taken by the railways within the next one month after giving them a notice. We feel that applicant and others had taken the concept of pity a bit too far and relied on the blank spaces in the legislation regarding physically challenged persons to enure for themselves a benefit which is not warranted and thereby causing great prejudice to the multitude and against greater public interest.

3. Therefore, we dismiss the OA with the cost of Rs. 25,000/- to be paid within the next one month, failing which, railways will be eligible to approach the concerned DC for effecting payment of this as a crown debt.

(C.V. SANKAR)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00811/2018

Annexure A1:Copy of the centralised employment notice dated 26.12.2015

Annexure A2:Copy of the provisional select list dated 08.08.2017

Annexure A3:Copy of the certificate dated 14.08.2017

Annexure A4:Copy of the letter dated 04.12.2017

Annexure A5:Copy of the order of Chief Medical Superintendent dated 02.06.2018

Annexure A6:Copy of the letter of Railway Board dated 27.08.2019

Annexure A7:Copy of the letter dated 22.03.2018

Annexure A8:Copy of the medical certificate dated 06.04.2018

Annexure A9:Copy of the bio data of Shri Vijay Dwivedi

Annexure A10:Copy of the notification dated 21.06.2018

Annexures referred in reply statement

Annexure R1:Copy of the office order dated 19.06.2013

Annexures referred in rejoinder

Annexure A11:Copy of the letter dated 23.07.2018

Annexure A12:Copy of the letter dated 07.02.2019

Annexure A13:Copy of the memorandum dated 18.03.2019

Annexure A14:Copy of the photo of the selected candidate to the post of Goods Guard

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