
(2025) 03 CAT CK 0446

In the Central Administrative Tribunal, Allahabad Bench, Allahabad

Case No : Original Application No. 330, 00004 Of 2021

Amar Singh Meena

APPELLANT

Vs

Union Of India Through General Manager, North Central
Railway, HQ Office, Allahabad & Ors.

RESPONDENT

Date of Decision : 25-03-2025

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2025) 03 CAT CK 0446

Hon'ble Judges : Om Prakash VII, Member (J); Mohan Pyare, Member (A)

Bench : Division Bench

Advocate : P.K. Mishra, Rajesh Kumar, S.C. Mishra

Final Decision : Dismissed

Judgement

Om Prakash-VII, Member (J)

1. The present O.A has been filed by the applicant under section 19 of Administrative Tribunals Act, 1985 with the following reliefs:-

a) Issue an order or direction in the nature of certiorari to quash and set aside the impugned order dated 07/11.8.2020 (Annexure A-1) passed by the respondent No.2.

b) Issue an order or direction to the respondents to consider the applicant for appointment on the post which qualified by the applicant with all consequential benefits.

c) Issue an order or direction to the respondents to reconsider for re-medical examination by an independent Eye Specialist Hospital or All India Institute of Medical Sciences.

d) Issue any other and further orders or directions which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

e) Award the appropriate cost in favour of the applicant.

2. The brief facts of the case are that in response to the advertisement No. CEN.1/2018, applicant applied for the post of Assistant Loco Pilot and after successful in all respect, applicant was called for document verification and medical examination which was scheduled on 28.7.2019 and 29.07.2019. Applicant attended Railway Hospital for medical examination on 29.7.2019. Respondents published a list of candidates who found applicant unfit in medical examination, in which the name of the applicant found place at S.No. 80. Applicant preferred an appeal along with Medical certificate, who declared the applicant's both eyes 6/6 without glass. Respondents vide their letter dated 01.7.2020 called the applicant for re-medical examination and re-medical Board had been fixed on 08.7.2020. Applicant attended Sub Divisional Hospital, Kanpur on 08.7.2020 for re-medical examination. Respondent vide impugned order dated 28.10.2010 intimated the applicant that :-

After declaration of medically unfit in vision by the Railway, applicant contacted to Dr. Anju Batra, M.S., Ophthalmologist, Calgiri Eye Hospital, Jaipur and she checked the eye sight of the applicant and issued a report in which the applicant was found fit in Category A-1.

3. Counter Affidavit has been filed by the learned counsel for the respondents, stating therein that applicant was selected for Assistant Loco Pilot/Technician and in the medical examination, he was found sub-standard distant vision in both eyes 6/9, 6/9 and declared unfit for A-1 and fit in B-1 and below medical category. On the receipt of the report, Chief Medical Supdt., Jhansi constituted a three members Medical Committee for re-evaluation and found the applicant substandard distant vision 6/9 in right eye and declared unfit for A-1. Thereafter, applicant submitted re-medical examination appeal along with medical certificate of Dr. A.S. Mehrohi, and after considering the appeal of the applicant, three members Medical Board was constituted, one of whom was Ophthalmologist at Sub Divisional Hospital Kanpur, who examined the applicant on 08.7.2020 and found that he is having sub standard distant 6/9 in right eye and declared unfit for A-1. Hence the applicant is unfit for the post of Assistant Loco Pilot.

4. We have heard Shri Rajesh Kumar along with Shri P.K. Mishra, learned counsel for the applicant and Shri S.C. Mishra, learned counsel for the respondents and perused the record.

5. Submission of the learned counsel for the applicant is that after declaration of the medically unfit in vision by the Railway, applicant contacted to Dr. Anju Batra, M.S. Ophthalmologist, Calgiri Eye Hospital, Jaipur who declared the applicant fit for A-

1. It is further contended that the applicant got check up his vision from the Ministry of Railway approved eye hospital, New Delhi Central for Sight Ltd. at Jaipur and after proper examination of eyes, Dr. Basant Khandelwal, Sye Specialist found the applicant fit in A-1 category. Therefore, prayed that there is

a possibility of an error of judgment in the decision of the medical Board constituted by the Railway because the applicant is found fit by several eye specialists of the private and govt. hospitals. It is further contended that on the basis of contradictory reports of the doctors, applicant may be reconsidered for re-medical examination by an independent eye specialist or All India Institute of Medical Sciences, New Delhi. Learned counsel for applicant placed reliance of following judgments:-

i) O.A. No. 21/2022 (Dinesh Kumar Vs. UOI and others), CAT, Jaipur Bench decided on 31.1.2023.

ii) O.A. No. 531/2013 (Sh. B. Surya Prakash Vs. UOI and others) CAT, Principal Bench decided on 9.12.2013

iii) O.A. No. 8 of 2023 (Rahul Saini Vs. UOI and others) CAT, Allahabad bench decided on 9.3.2022.

6. Learned counsel for the respondents vehemently argued that applicant was medically examined twice and in both times, three member Medical Board was constituted, who declared the applicant unfit for A-1 and found fit for below medical category. Since the applicant was not found fit in A-1, hence, he is not entitled for appointment to the post of Assistant Loco Pilot/Technician.

7. We have considered the rival submissions and have gone through the entire record.

8. From perusal of record, it reveals that applicant was selected for the post of Assistant Loco Pilot in the written examination conducted by Railway Recruitment Board. During the medical examination conducted by three members committee on 08.7.2020, he was found unfit for Category A-1 and found fit for category Bee one and below. Applicant submitted appeal enclosing therewith medical certificate. Thereafter again a committee was constituted consisting of three members in which one was Ophthalmologist at Sub Divisional Hospital, Kanpur on 8.7..2020. Three members Board examined the applicant on 8.7.2020 at Kanpur and also found the applicant unfit in category A-1 and found fit in B-1 and below medical category as per para 512 (1) (A) of Indian Railway Medical Manual, 2000. Applicant is relying on the medical certificates issued by the single doctors of various hospitals, whereas during medical examinations conducted by the Railway twice, three members committee examined the applicant, in which one was Ophthalmologist and found the applicant unfit in A-1 category. Applicant again submitted medical certificates of some more hospitals and requested for re-medical examinations, which is an endless process.

9. In case laws relied upon by the applicant, Tribunal without entering into merit of the case, disposed off the aforesaid O.As with a direction to consider the case of the applicant to get him medically re-examined before the appropriate Medical Board afresh whereas in the instant case, after receipt of appeal, applicant has already been re-medically examined by the board consisting of three members in

which one was Ophthalmologist, who again found the applicant unfit in Category Aye One, which is necessary for the post of Assistant Loco Pilot. Hence the case laws relied upon by the applicant will not support the case of the applicant.

10. Since the applicant was medically examined twice by the three members committee, who found the applicant unfit for A-1 category, hence directing again and again for medical examination will be an endless process. 1st stage computer based test was conducted on 13.8.2018, 2nd stage computer based test was conducted on 23.1.2019. Document and medical examination was done on 28.7.2019 and 29.7.2019. Final list of the selected candidates was published. All the selected candidates have already joined the post. More than five years have passed after completion of the selection process. Now much water has flown. For the post of Assistant Loco Pilot, applicant should be medically fit in A-1 category. As the applicant was declared unfit in A-1 category, he is not fit for appointment to the post of Assistant Loco Pilot. We are of the opinion that O.A. lacks merit and deserves to be dismissed. Accordingly, O.A. is dismissed. All MAs pending in this O.A. also stand disposed off. There shall be no order as to costs.