

(2025) 07 CAT CK 0412

In the Central Administrative Tribunal, Ernakulam Bench, Ernakulam

Case No : Original Application No. 180, 00397 Of 2023

Viraj.D

APPELLANT

Vs

Union Of India Represented By The General Manager,
Southern Railway, Headquarters Office, Park Town P.O.,
Chennai - 600003. & Ors.

RESPONDENT

Date of Decision : 02-07-2025

Acts Referred:

Citation : (2025) 07 CAT CK 0412

Hon'ble Judges : Sunil Thomas, Member (J);V. Rama Mathew, Member (A)

Bench : Division Bench

Advocate : T.C. Govindaswamy, Kala.T. Gopi, Sudhir Kumar B, Nishitha
Balachandran, Aneesh. R, Kailesh. T. Gopi, Girija K Gopal

Final Decision : Dismissed

Judgement

V. Rama Mathew, Member A

1. Having heard both sides, accordingly it is ordered as under -

The applicant is aggrieved by a Notification on Part Panel – IV communicated under No. CEN/01/2019(NTPC)/GG/SCTC dated 02.5.2023, issued by the third respondent-Railway Recruitment Board, Annexure A1, declaring that he was found to have been unfit for the post of Senior Commercial-cum-Ticket Clerk (SCTC) on medical grounds.

2. Briefly stated, the applicant is an Engineering Degree holder belonging to the OBC, entitled to be considered for appointment against vacancies reserved for members of OBC NCL. The respondents notification No.1/2019 issued by the Government of India, Ministry of Railways, Railway Recruitment Board dated 28.02.2019, which is produced as Annexure A-2, he had given his option commensurate with his qualification for posting in Level -5 of the Pay Matrix. The applicant having been found eligible was subjected to the first level Computer Based Test (CBT) and having qualified in the same was again subjected to the

Second Stage Computer Based Test, in relation to the post in Level-5. Having qualified he was called for document verification. The applicant on the basis of his marks qualified for appointment to the post for SCTC in the OBC category. Consequently he was directed to appear for document verification and medical examination on 08.12.2022. Subsequent to the medical examination, the applicant was informed that he was temporarily medically unfit due to hearing loss in his right ear on account of some perforation. He was, therefore, directed to undergo a process of surgery on his right ear and to report for medical examination thereafter. A copy of the medical document has been produced as Annexure A-8. He has applied for the second medical examination in the month of February, 2023, but he was informed that the medical examination would be conducted only after a period of about six months from the date of original examination.

3. Meanwhile, the applicant had qualified for Level-3 posts and submitted a representation dated 18.02.2023 regarding the need for document verification and for medical examination. In response, he was informed that no further document verification was required and he may have to get a fresh medical memo from RRB Trivandrum and then report for medical examination. However, in this medical examination he was found unfit again for the reason of hearing impairment on the right ear and was declared fit in 'CEE ONE' below, whereas the medical classification required for appointment to the post is 'BEE TWO'.

4. The applicant was permitted to file an appeal before the Principal Chief Medical Director, Chennai vide Annexure A-11. The requirement for such an appeal was also informed to him and he has expressed his inability to make such an appeal as the condition could not be met. The applicant was given a certificate of disability by the General Hospital, Ernakulam, a copy which is produced as Annexure A-12, to indicate that the disability in hearing is only to the extent of 17% to his right ear. It is submitted by the applicant that the loss of hearing of 17% cannot be a disqualification nor is a ground for declaring him unfit for the post in question. Chapter V of the Indian Railway Medical Manual (IRMM) is produced as Annexure A-13 in support of such a contention. He submits that from Annexure A-2 it is seen SCTC requires a medical standard of 'BEE TWO'. However, it was argued that from Annexure A to Annexure A-2 the post of SCTC was a post found to be suitable, even for appointment of a deaf and hearing impaired person. This is a relaxation granted to physically handicapped candidates. It is, therefore, submitted that on the basis of this Railway Board order bearing No.E(NG)II/RC-2/7 dated 28.07.2023 there is no difficulty in considering the applicant for appointment to the post of SCTC. The applicant again argues that the post in Commercial Clerks cadre and Ticket Examiner cadre were two independent categories and as per the medical classification for Commercial Clerk the classification was only 'CEE ONE' and for the post of Ticket Clerk it was 'BEE TWO'. Now that the cadres are merged the medical classification for the post of SCTC is 'BEE TWO' with effect from 05.04.2019.

5. The applicant relies upon the the decision of the Hon'ble Supreme Court in S.K.M. Haider v. Union of India and others[2011 (4) 1 SCC 700], wherein the Hon'ble Apex Court has categorically held that the Ticket Checking Staff would require only CEE TWO medical classification and not BEE TWO. Consequential orders passed by this Tribunal based on S.K.M Haider (supra) is also produced. However, the applicant was declared unfit as per Annexure A-1 and Annexure A-11 and thus denied an appointment against an OBC vacancy earmarked for SCTC and has challenged Annexure A1 and A11 orders.

6. It is submitted by the respondents that the applicant had applied against open vacancies and had clearly mentioned 'No' against the column 'Are you a person with Benchmark Disabilities'. Annexure A-12 certificate produced by the applicants shows that he has only 17% disability and the vacancies are reserved for candidates who are persons with bench mark disability of 40% or above and while applying such candidates should clearly apply against vacancies earmark for PwBD to be eligible for being considered against PwBD vacancies. The applicant had neither applied against PwBD vacancy nor does he satisfy the percentage disability benchmark of 40% or above to be considered as eligible for PwBD vacancies. Therefore, the relaxation criteria laid down for PwBD candidates cannot apply. The claim of the applicant that Railway Board letter of 28.07.2003 (Annexure A-14) makes him eligible for appointment to the post of SCTC, cannot be seen as applicable as the said letter pertains to appointment of persons with disabilities against unreserved vacancies and only reiterates that PwBD candidates can be appointed against an unreserved vacancies provided the post is identified suitable for the persons with disability of the relevant category. The applicant is not a person with benchmark disability so as to claim reservation so the contention is held as erroneous.

7. It is submitted that the medical standards for each post are decided based on their job requirements and have been notified by the railways after due process of examination. The Railway Board has issued the revised medical classification for combined categories in Ticket Checking, Commercial Clerks, Enquiry cum Reservation Clerks and for Commercial Apprentice as per which the medical classification of the unified category of Commercial and Ticketing Staff is BEE TWO (B2). These medical standards are universally applicable to all candidates applying for job in Indian Railways. The applicant had at the time of applying against CEN 01/2019 wherein all the eligibility conditions for the notified post including medical standards fixed by the Railways for each post have been notified. These are being universally applied for all in the entire Indian Railways. Having applied with full awareness of the eligibility condition, the applicant having failed to get the required medical standards is now trying to claim relaxation which cannot be permitted as the RRB has to strictly follow the eligibility criteria laid down in the CEN 01/2019. Any rights beyond what the notification announces cannot be claimed. Para 8 of the instructions attached to CEN 01/2019 clearly states that candidates must ensure that they fulfill the prescribed medical standards for the posts they are opting for. It is to be noted

by the candidates that in case the candidate is found to be medically unsuitable for the opted post at the time of appointment, alternate appointment shall not be given.

8. It is clarified that all the three decisions cited by the applicant in relation to vision test in respect of the post of Ticket Examiner and the judgment of the Hon'ble Supreme Court is in respect of promotion of serving Railway employee. Consequent to the direction of the Hon'ble Supreme Court in S.K.M. Haider (supra), the Railway board had reviewed the issue and decided that in view of the job profile of the post of Ticket Collector, the vision acuity standards for both eyes should be BEE-TWO medical category. The medical fitness standards for different posts in Railways has been prescribed in the Indian Railway Medical Manual and is being universally applied throughout Indian Railways. Para 511 (4) (ii) of Chapter 5 of IRMM also relating to candidates very clearly mentions that "the use of hearing aid should not be permitted for candidates in categories 'A' and 'B'." These medical standards are being universally followed by all the RRBs and any deviation could adversely affect the railway working and also jeopardize the safety of the travelling public and cannot be permitted. The applicant is not found fit in BEE TWO medical category due to hearing loss which has direct bearing to the nature of work of a person appointed to the post of SCTC as he has to interact with railway passengers and others for which hearing is important. As per Annexure R-1 the Railway Board has issued the revised medical classification for combined categories in Ticket Checking, Commercial Clerk, Enquiry cum Reservation Clerk and for Commercial Apprentices as per which the medical classification of the unified category of Commercial and Ticketing Staff is BEE TWO. The applicant has been found unfit by the three member Medical Board and Annexure A-1 merely communicates the factum of him being medically unfit in BEE TWO category and fit in CEE ONE category. The medical fitness standards had been notified in the CEN 01/2019 and candidates applying are fully aware of the same and cannot claim exceptions later or claim it to be discriminatory when the same is being followed in a uniform manner throughout the Indian Railways. The decision in S.K.M. Haider (supra) deals with vision test in respect of the post of Ticket Examiner and is in respect of promotion of serving railway-employee and not in respect of a candidate for direct recruitment and the current recruitment is for the post of SCTC and not to the post of Ticket Examiner and therefore, the decision of the Hon'ble Supreme Court in the case of S.K.M. Haider (supra) setting visual acuity standards and declaring CEE ONE to be sufficient would not be applicable in this case. Such a decision would apply strictly on the facts of the case. The revised medical classification for the combined cadre is clearly shown as BEE TWO and this is not under challenge. Seeking the relaxation contained in Para 5(D) of the O.A ie., Annexure A2 is for persons with benchmark disabilities and the provision for reservation to persons with benchmark disability and identification of such posts is for the purpose of the mandate under the Right of Persons with Disabilities Act, 2016 and cannot apply to the applicant as he is not a person with

benchmark disability. Merely because the post is identified under the PwD Act, 2016 and Rules made thereunder, does not in any manner alter the medical standard required for the post in respect of persons other than persons with disabilities.

9. The other cases relied upon by the applicant follow from the decision of the Hon'ble Supreme Court in the case S.K.M. Haider (supra) and, therefore, would not apply here. The applicant has also referred to two decisions of Hon'ble High Court of Kerala and one decision of Hon'ble High Court of Punjab & Haryana and since the factum of the case does not apply, such a decision would not be applicable herein. Since the applicant has not claimed the benefit of relaxation under the PwBD category, there can be no relaxation in the qualifications required for a General Quota candidate and they have to meet the medical standards prescribed for the post as determined in the notification for recruitment. Since the candidate does not meet the medical standards prescribed, he would be eligible only for consideration for appointment against a post in the category for which he is declared to be medically fit ie., in the CEE ONE category for which he has applied. Therefore, the relief sought cannot be granted. The O.A is, accordingly, dismissed. No costs.

(Dated, this the 2nd day of July, 2025)