

[2011] 2 S.C.R. 909

S.K.M. HAIDER

v.

UNION OF INDIA & ORS.
(Civil Appeal No. 1630 of 2011)

FEBRUARY 14, 2011

[AFTAB ALAM AND R.M. LODHA, JJ.]

SERVICE LAW :

INDIAN RAILWAY MEDICAL MANUAL.

Para 510, Annexure 1V –Categorisation of posts for the purpose of vision test –Post of Ticket Collector categorized as Class B-2 i.e. ‘in the interest of employee himself for his fellow worker or both’ –Held : There seems to be no rational basis in relation to the object set out in para 510 of categorizing post of Ticket Collector under Class B-2 – Categorisation of posts for the purpose of vision tests must have nexus with the object set out in Para 510 –Having regard to the objective of division of groups/classes for the purpose of vision test, the post of Ticket Collectors cannot be held to be covered by Class B-2, but rather will be covered by Class C-2 –Employee could not have been denied promotion to the post of Ticket Collector as he had passed written test and viva-voce and was provisionally selected for the post of Ticket Collector and had been declared medically fit in C-2 – Judgments and orders passed by High Court and the Tribunal are set aside –Employers would consider employee’s claim for promotion to the post of Ticket Collector on the basis of medical fitness in Class C-2 –Constitution of India, 1950 – Articles 14 and 16.

The appellant joined the service in Northern Railway on a Group ‘D’ post of Luggage Porter in 1991. The next promotion from Luggage Porter was to the post of Ticket

- A Collector. The appellant qualified the written test and viva-voce and his name was placed on the list of candidates found suitable for the post of Ticket Collector. However, he was not declared medically fit in Class B-2. His representation before the Department, application before the Central Administrative Tribunal and the writ petition before the High Court were all dismissed.**

C In the instant appeal filed by the appellant, the question for consideration before the Court was : “whether the appellant has been rightly denied promotion to the post of Ticket Collector (TCR), Group ‘C’ post, on account of his having not been declared medically fit in Class B-2 under Para 510 of Indian Railway Medical Manual”.

D Allowing the appeal, the Court

E HELD : 1.1 In Para 510 of Indian Railway Medical Manual, non-Gazetted Railway services have been divided into three broad groups, namely, groups ‘A’, ‘B’ and ‘C’ for the purpose of vision tests. This division appears to have been made keeping in mind the objective, viz; ‘in the interest of public safety’; ‘in the interest of the employee himself or his fellow workers or both’ and ‘in the interest of administration only’. The classification of different staff in various ‘classes’ is apparently founded to achieve the above objective. The post of Ticket Collector is categorized in Class B-2 under the head ‘station supervisory and artisan staff’. [para 11] [916-H; 917-A-C]

G 1.2 Though post of Ticket Collector is categorised under Class B-2 in Annexure IV, but while doing so the underlying object of division of staff into three broad groups A, B and C for vision tests of candidates and of serving Railway employees in non-Gazetted Railway services seems to have been overlooked. Broadly, Class

H

B-2 covers a certain staff in workshops and engine rooms engaged on duties. It has been so done because failing eyesight may endanger themselves or other employees from moving parts of the machinery and crane drivers on open line. This is in consonance with the objective of group B viz; 'in the interest of the employee himself or his fellow workers or both'. [para 12] [917-D-E]

1.3 Insofar as Ticket Collectors are concerned, vision tests for them are not required 'in the interest of employee himself or his fellow workers or both' as contemplated in group B, but it is required 'in the interest of administration only' – the objective contemplated in group C. In this view of the matter, there seems to be no rational basis, in relation to the object set out in Para 510 of IRMM, of categorizing the post of Ticket Collectors under Class B-2 in Annexure IV. Having regard to the objective of division of groups/ classes for the purpose of vision tests under Para 510 of IRMM, the post of Ticket Collectors can not be held to be covered by Class B-2 but rather will be covered by Class C-2. [para 12] [917-F-G; 918-A]

1.4 However, it is for the respondents to have a fresh look insofar as categorisation of posts pertaining to non-Gazetted Railway services in Annexure IV is concerned. Suffice it to say that categorization of posts for the purpose of vision tests must have nexus with the object set out in Para 510. Any inconsistency in categorization of Railway posts in Annexure IV, must not operate against the appellant in getting promotion to the post of Ticket Collector. [para 12] [917-H; 918-B]

1.5 The appellant could not have been denied promotion to the post of Ticket Collector as he had passed written test and viva voce and was provisionally selected for the post of Ticket Collector and had been declared medically fit in Class C-2. [para 13] [918-C]

A 1.6 The judgment and order passed by the High Court and that of the Tribunal are set aside. The respondents shall consider the appellant's claim for promotion to the post of Ticket Collector on the basis of his medical fitness in Class C-2 and his empanelment in the provisional list. [para 14] [918-D-E]

B CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1630 of 2011.

C From the Judgment & Order dated 21.03.2009 of the High Court of Punjab & Haryana at Chandigarh in Civil Writ Petition No. 12114 of 2006.

P.S. Patwalia, Jagjit Chhabra, Aman Preet Singh Rahi, Tushar Bakshi for the Appellant.

D A. Mariar Putham, Subhash Kaushik, Harish Bagchi, Arvind Kumar Sharma for the Respondents.

The Judgment of the Court was delivered by

E R.M. LODHA, J. 1. Leave granted.

F 2. A short question that arises for consideration in this appeal, by special leave, is as to whether the appellant has been rightly denied promotion to the post of Ticket Collector (TCR), Group 'C' post, on account of his having not been declared medically fit in Class B-2 under Para 510 of Indian Railway Medical Manual (for short, 'IRMM').

G 3. The appellant—S.K.M. Haider—joined the service in Northern Railway as Luggage Porter, Group 'D' post, on December 3, 1991. The next channel of promotion from Luggage Porter is to the post of Ticket Collector. Having acquired eligibility for promotion to the post of Ticket Collector, the appellant appeared in the written test held by the respondents on January 8, 2003. He was successful in the

H

written test and was called for viva-voce by the Interview Committee on February 25, 2003. On June 24, 2003, a provisional list of the candidates who were found suitable for the post of Ticket Collector on the basis of written test and viva voce was prepared in which the appellant's name was placed at Serial No. 25. A
B

4. On July 3, 2003, the appellant appeared before the Medical Superintendent, Northern Railway, DRM Office, Ambala Cantt. (Respondent No. 3) for medical examination but he was not declared fit in Class B-2. C

5. The appellant challenged the medical report dated July 3, 2003 by filing an appeal before the Chief Medical Director, Northern Railway. He was asked to appear before the Medical Board on September 15, 2004. The Medical Board found the appellant fit in Class C-2 with glasses. Based on the opinion of the Medical Board, the appeal preferred by the appellant challenging the medical report dated July 3, 2003 was rejected. D

6. The appellant then got himself examined at All India Institute of Medical Sciences, New Delhi on November 3, 2004 and it is his case that he was found medically fit in Class B-2. E

7. The appellant aggrieved by his non-promotion to the post of Ticket Collector approached the Central Administrative Tribunal, Chandigarh Bench (for short, 'the Tribunal'). The Tribunal, on February 8, 2006, after hearing the counsel for the appellant and the counsel for respondents, rejected the original application filed by the appellant. F

8. Being not satisfied with the order of the Tribunal, the appellant moved the High Court of Punjab and Haryana for redressal of his grievance but there, too, he was unsuccessful and the writ petition filed by him was dismissed on March 21, 2009. G

9. Para 510 in Chapter V of the IRMM deals with H

A classification of staff for the purpose of vision tests of candidates and of serving Railway employees. It reads as follows :

“510. Classification of staff:-

B (1) for the purpose of visual acuity and general physical examination of candidates and of serving Railway employees, the non-Gazetted Railway services are divided into the following broad groups and classes. *The detailed categories of Railway posts under each of the classes/*
 C *groups mentioned below are given in Annexure IV to this chapter.-*

	Groups	Classes
D	A Vision tests required in the interest of public safety	A-1 Foot plate staff, Rail car drivers and Navigating staff (For foot plate staff see para 520)
E		A-2. Other running staff, Other shunting staff, Point lockers, Station masters, and other staff in operative control of signals.
F		A-3 Loco, signal and Transportation Inspectors, staff authroised to work trolleys, Yard supervisory staff, Road motor drivers and gate keepers on level crossings.
G		
H	B. Vision tests required in the interest of the employee himself or his	B-1 Such station and yard non supervisory, shed and other staff, excluding shed

fellow workers or both

man, as are engaged on duties where failing eye sight may endanger themselves or other employees from moving vehicles, Road Motor drivers, permanent Way Mistries, Gang mates, Keymen and staff of the Railway Protection Force.

A

B

B-2 Certain staff in workshops and engine rooms engaged on duties when failing eye sight may endanger themselves or other employees from moving parts of the machinery and crane drivers on open line.

C

D

C Vision tests required in the interest of administration only

C-1 Other workshop and engine room staff, shed stockers and other staff in whom a higher standard of vision than is required in clerical room staff, shed stockers and kindred occupation is necessary for reasons of efficiency and others not coming in Group A or B

E

F

C-2 Staff in clerical occupations not included in A, B and C-1

G

(2) As the foot-plate staff have to pay sustained attention, it is necessary to have separate standards for these staff. These are enumerated in para 520 below."

H

A 10. The standards of visual acuity requirements are set out in Para 512 of IRMM. The relevant extract of that provision is as follows:

	"Class Distant Vision	Near Vision
B	A-1 xx xx	xx The combined vision with or without glasses should be the ability to read ordinary print. Where reading or close work is required, the combined near vision should be Sn. 0.6
C	A-2 xx xx xx	
D	A-3 xx xx xx	
E	B-1 6/12, 6/24 with or without glasses. Power of lenses not to exceed 8 D.	As above
	B-2 As above	As above
F	C-1 6/18, nil or combined 6/18 with or without glasses.	Sn. 0.6 with or without glasses where reading or close work is required.
G	C-2 6/24, nil or 6/24 combined with or without glasses".	As above.

H 11. It would be seen from Para 510 of IRMM that non-Gazetted Railway services have been divided into three broad groups, namely, groups 'A', 'B' and 'C' for the purpose of vision tests. These three groups have been divided into different classes. Group A has been divided in Classes A-1, A-2 and

A-3 while groups B and C have been divided in two Classes each, viz; B-1, B-2 and C-1, C-2 respectively. The division of groups, A, B and C for vision tests appears to have been made keeping in mind the objective, viz; 'in the interest of public safety'; 'in the interest of the employee himself or his fellow workers or both' and 'in the interest of administration only'. The classification of different staff in various 'classes' is apparently founded to achieve the above objective. The detailed categories of Railway posts under each of the classes/groups are given in Annexure IV appended to Chapter V. Insofar as post of Ticket Collector is concerned, it is categorized in Class B-2 under the head 'station supervisory and artisan staff'.

12. Though post of Ticket Collector is categorised in Annexure IV in Class B-2 but while doing so the underlying object of division of staff into three broad groups A, B and C for vision tests of candidates and of serving Railway employees in non-Gazetted Railway services seems to have been overlooked. Broadly, Class B-2 covers a certain staff in workshops and engine rooms engaged on duties. It has been so done because failing eyesight may endanger themselves or other employees from moving parts of the machinery and crane drivers on open line. This is in consonance with the objective of group B viz; 'in the interest of the employee himself or his fellow workers or both'. Insofar as Ticket Collectors are concerned, vision tests for them are not required 'in the interest of employee himself or his fellow workers or both' as contemplated in group B but it is required in the interest of administration only – the objective contemplated in group C. In this view of the matter, there seems to be no rational basis, in relation to the object set out in Para 510 of IRMM, of categorizing the post of Ticket Collectors under Class B-2 in Annexure IV. However, it is for the respondents to have a fresh look insofar as categorisation of posts pertaining to non-Gazetted Railway services in Annexure IV is concerned. Suffice it to say that categorization of posts for the purpose of vision tests must have nexus with the object set out in Para 510.

- A Having regard to the objective of division of groups/ classes for the purpose of vision tests under Para 510 of IRMM, the post of Ticket Collectors can not be held to be covered by Class B-2 but rather will be covered by Class C-2. Any inconsistency in categorization of Railway posts in Annexure IV, in our view, must not operate against the appellant in getting promotion to the post of Ticket Collector.

13. We hold, as it must be held, that the appellant could not have been denied promotion to the post of Ticket Collector as he had passed written test and viva voce and was provisionally selected for the post of Ticket Collector and had been declared medically fit in Class C-2.

14. Consequently, appeal is allowed; judgment and order passed by the Punjab and Haryana High Court on March 21, 2009 and the order dated February 8, 2006 passed by the Central Administration Tribunal, Chandigarh are set aside. The respondents shall now consider the appellant's claim for promotion to the post of Ticket Collector on the basis of his medical fitness in Class C-2 and his empanelment in the provisional list dated June 24, 2003 and appropriate order in this regard will be issued within two months from today. The parties shall bear their own costs.

R.P.

Appeal allowed.