

D/L18
15.05.2025
Rohit
ct.no.04

WP.CT 137 of 2024

**Sanjoy Kumar Roy
Versus
Union of India & Ors.**

Mr. Ujjal Ray
Sk. Abdur Rahim
Ms. Manishikha Mondal
...for the Petitioner

Ms. Ranjana Chatterjee
...for the Union of India

1. The writ petitioner was the applicant before the Tribunal. He is aggrieved by his drafting as a Crew Controller consequent upon his medical decategorization due to his cardiac ailment. Raising such grievance he filed the O.A. before the Tribunal. The petitioner's O.A. has been dismissed by the Central Administrative Tribunal, Kolkata Bench ("Tribunal" for short) by its order dated 09.04.2024, which is impugned in the present writ proceedings.
2. The petitioner a Loco Pilot was medically decategorized and has been found fit for duties categorized as B-2 and below. As a result of the categorization he was drafted as a Crew Controller in the Electrical Department.

3. It is his case that the post of Crew Controller is of a higher medical category and, therefore, his posting as a Crew Controller is not commensurate to his medical categorization.
4. The petitioner has relied upon one information supplied to him under the RTI, dated 10.01.2022 to submit that the post of Crew Controller is for posting of a Loco Pilot/ employee having medical categorization A-3.
5. The Tribunal has considered the issue and dismissed the O.A by recording a finding that the petitioner has not placed any material on record to show that the post of Crew Controller requires a higher medical category than his medical category (B2).
6. The learned Counsel for the petitioner submits that the petitioner has placed on record the information supplied under RTI. There are certain advertisement also for filling up the post of Crew Controller in which persons up to medical category A3 have been shown as eligible for applying. According to him the irresistible inference from these documents is that the post of Crew Controller is above his medical categorization (B2).
7. Keeping in view the submissions we had allowed an opportunity to the railways to place on record

the duties which are required to be performed by a Crew Controller, as well as the documents showing medical categorization of the post of a Crew Controller. The respondents have filed an affidavit-in-opposition. Extract of a manual issued by the Ministry of Indian Railways has been annexed as Annexure R/1 wherein the General duties of a Crew Controller, irrespective of the department in which he is posted have been specified therein. The medical categorization of the post of Crew Controller /Power Controller is also placed on record by annexing Para 501 of the Indian Railway Medical Manual, 2000 (IRMM). A bare perusal of the same reveals that the Crew Controller/Power Controller is categorized in category C-1.

8. The learned Counsel for the petitioner however submits that categorization of the post of Power Controller has been specified. The post of Crew Controller is not specified in the IRMM para 501.
9. We have gone through the entire records of the proceedings before the Tribunal. The Railway Boards letters and guidelines consistently mentions "Power Controller/ Crew Controller".
10. One specific instance is Annexure R/5 to the reply filed by the railways wherein also the two posts of Power Controller and Crew Controller are

separated by a /(slash) meaning thereby that either of the two is applicable. Therefore general duties and categorization of either of the two posts can be relied upon.

11. We have found the general duties and medical categorization for these two posts in the Manual issued by the Ministry of Railways and IRMM wherein the post of power controller/crew controller has been categorized as C-1 category, i.e. below the petitioner's medical category B-2.
12. The advertisements for filling up the post of crew controller by direct recruitment relied upon by the petitioner also do not enure to his benefit. Merely because candidates having a higher medical category, i.e. upto A-3 are allowed to compete in the recruitment process, the post of crew controller cannot be said to be a post meant for A-3 category. It is trite that in absence of any upper qualification limit candidate having a higher or better medical category cannot be precluded from participating in a recruitment process for lower medical category.
13. The petitioner has not been able to show that there is any distinction at all in the post of power/crew controller. Petitioner has also not been able to show that the post of crew controller, on which he has been appointed is a post meant for a

medical category higher than B-2 category. The Court, therefore, finds no reason to interfere with the order passed by the Tribunal.

14. Hence, the writ petition stands dismissed.

(Madhuresh Prasad, J.)

(Partha Sarathi Chatterjee, J.)