

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 2226 of 2001

New Delhi, dated the 4th February 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Ajay Singh Ghalot,
S/o Shri Subhash Ghalot,
R/o 45B, Shivaji Nagar,
Pilkhuwa, Dist. Ghaziabad,
U.P.

.. Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
the Secretary,
Ministry of Personnel, Public
Grievances & Pensions,
Dept. of Personnel and Training,
New Delhi.

2. The Under Secretary,
Staff Selection Commission,
Dept. of Personnel & Training,
Ministry of Personnel, Public
Grievances & Pensions,
B-12, C.G.O. Complex,
Lodhi Road, New Delhi. .. Respondents

(By Advocate: Shri S.M. Arif)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 31.7.2001 (Annexure A-1) and seeks a direction to respondents to conduct his re-medical examination for the post of Sub-Inspector.

2. Admittedly applicant's appeal against his medical examination held earlier by respondents on which he was found medically unfit, was allowed and he was sent a telegram on 12.6.2001 directing him to appear for the re-examination on 15.6.2001 at Chandigarh. Applicant contends that he did not receive the aforesaid telegram and hence could not appear for the medical re-examination on 15.6.2001.

3. Having regard to the fact that on 18.6.2001 itself he represented to SSC that he had not received the telegram dated 12.6.2001, as also the fact that this involves the career and livelihood of applicant, in the particular facts and circumstances of this case, which will not be treated as a precedent, we consider it fit and proper to direct respondents to call upon applicant to appear for his medical re-examination after giving him sufficient advance notice of the date and time for the same.

4. The O.A., therefore, succeeds and is allowed to the extent that the impugned orders dated 31.7.2001 are quashed and set aside and respondents are directed to act in accordance with para 3 above. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

karthik