

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 2607/2001

(A)

HON'BLE SHRI GOVINDAN S.TAMPI, MEMBER (A)

New Delhi, this the 2nd day of July, 2002

Sh. Heera Lal
S/o Sh. Dunga Ram
R/o H.No.26/287-88
Trilokpuri (Himmatpuri, Delhi - 110 091).

...Applicant

(By Advocate Sh. B.D.Sharma)

V E R S U S

1. Union of India
Ministry of Urban Development
through its Secretary
Nirman Bhawan, New Delhi (proforma party)

2. The Chief Engineer (Electrical)-II
Central Public Works Department
Vidyut Bhawan, New Delhi.

...Respondents

(By Advocate Sh. B.S.Jain)

O R D E R (ORAL)

BY HON'BLE SHRI GOVINDAN S.TAMPI, MEMBER (A)

Heard both the learned counsel, S/Shri B.D.Sharma and B.S.Jain, for the parties.

2. The applicant who has been working with the respondents for sixteen years upto 1999 and selected as Wireman in February, 1996 and regularised in November 1998, was declared as medically unfit and thereafter removed from service. Applicant who challenges this disqualification requests that as he has been shown to be medically unfit on account of being a patient of diabetes, his case may be considered for any other alternate suitable post by re-categorization, if need be.

3. Sh. B.S.Jain, 1d. counsel for the respondents vehemently contests the same and says that only point which can be considered is re-examination.

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4. I have considered the matter. Under normal circumstances, the Tribunal would not have interfered in a matter like this which is in the exclusive realm of the executive/experts. However, as the applicant has been serving for over 16 years as a muster roll worker, having been found medically fit earlier, subsequent declaration of his unfitness medically, that too at a belated date would call for re-examination. It would only be just ^{and} fair.

5. In the above view of the matter, I am partially allowing the OA and dispose it of with the directions that the respondents shall have the applicant re-examined by a medical board, constituted without the participation by the Doctor who had examined him earlier and take appropriate decision, ^{service} keeping in mind his long ~~with~~ with the Organisation, though as a muster roll worker. No costs.

(GOVINDAN S. TAMPI)
MEMBER (A)

AVMS