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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.672 of 1999

New Delhi, this the 21st day of May, 1999

HON'BLE SHRI N.SAHU, MEMBER(A)

W/CT. SARLA No.1214/E
W/o Shri Sanjay Kaushik
R/o Q.No.C/94, Kingsway Camp
New Police Lines,
Delhi.

-APPLICANT

(By Advocate: Ms. Sumedha Sharma)

Versus

1. Commissioner of Police,
Police Headquarters, I.P.Estate
M.S.O. Building, I.T.O.,
New Delhi

2. Dy. Commissioner of Police
Headquarter
I.P.Estate, M.S.O. Building,
New Delhi.

3. ASI Brahm Singh
Quarter Allotment Cell
Police Headquarters, I.T.O.,
I.P.Estate, M.S.O. Building,
New Delhi.

-RESPONDENTS

(By Advocate: Shri Raj Singh)

O_R_D_E_R(ORAL)

By Hon'ble Shri N.Sahu, Member(A)

Heard Mrs. Sumedha Sharma, learned counsel for the applicant and Shri Raj Singh, learned counsel for the respondents.

2. One simple point has arisen in this case in the background of following facts: the Deputy Commissioner of Police, respondent no.2 directed the applicant by his requisition dated 26.2.99 that a Medical Board to examine her claim of T.B. would be constituted on a suitable date. The noting in the same letter which is annexure R-7 to the pleadings by the Deputy Medical

[Signature]

Superintendent is to the effect that the applicant failed to turn up for her medical examination on 5.3.99. Accordingly, the requisition was returned by the O/o Medical Superintendent to the Deputy Commissioner of Police. As a result, the applicant's claim for regularisation could not be sorted out.

3. Ms. Sumedha Sharma, learned counsel for the applicant submits that the applicant had appeared before one Dr. Ashok Bangotra, Senior Physician, Aruna Asaf Ali Hospital, Delhi, who ordered for an X-ray. X-ray having been conducted, the report of Dr. Bangotra is also on record which conveys the finding that the applicant was suffering from T.B.

4. Be that as it may, this is a case where the respondents have directed that the claim of suffering from T.B. should be examined by the competent authority, namely, a medical board duly constituted under the Rules. The applicant is duty bound under the law if she intends to avail the benefit of regularisation to submit herself to the Medical Board for examination. No other short-cut or deviation from this procedure is acceptable in law.

5. I accordingly direct with the consent of Shri Raj Singh, learned counsel for the respondents that the applicant be intimated once again the date, time and place for appearance before a duly constituted Medical Board for examination whereupon the applicant shall so appear before the Board and the report required under requisition by respondent no. 2 dated 26.2.99 be made out by the competent Medical Superintendent on receiving the

Karan Singh

report from the Medical Board and send the same to the competent authority, who shall decide the case of regularisation of the applicant. The entire process should be completed within a period of four weeks from the date of receipt of a copy of this order. Till then, as I am satisfied that one Senior Physician has already recorded that the applicant is suffering from ailment, it would be appropriate to protect the applicant's interest of continuing in the accommodation she is presently occupying till four weeks from the date of receipt of a copy of this order. As far as the rent payable is concerned, it shall be charged in accordance with the Rules.

6. The O.A. stands disposed of with the above directions. No costs.

transcribed
(N. SAHU)
MEMBER(A)

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