

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
OA 2003/98

② New Delhi this the 15th day of October, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

R.Kandastwamy
S/O Shri Rama Swamy
Lasting working as Safaiwala
Casual Labour at New Delhi
C&W Dep'tt., Northern Railway
resident of E-636, Shakurpur,
Delhi-34.

...Applicant

(By Advocate Shri H.P.Chakravorti)

Vs.

1. Union of India through the
Chairman, Railway Board,
Principal Secretary to Govt. of India,
Ministry of Railways, Rail Bhawan,
New Delhi-1.
2. The General Manager,
Northern Railway, Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway, State-Entry Road,
New Delhi-52.

... Respondents

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Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicant is aggrieved by the order passed by the respondents dated 9.3.1998 (Annexure 1). Shri H.P.Chakravorti, learned counsel for the applicant, has submitted that even though the applicant had submitted a medical certificate from the All India Institute of Medical Science dated 8.5.1987 to the respondents before he was re-examined in accordance with the Tribunal's order dated 18.11.1997 in OA 1225/97, in pursuance of which the impugned order has been passed, no reasons and let alone reference to Annexure-3 certificate have been given in declaring him unfit. He states that he had submitted an appeal to the DRM(NR), New Delhi on 1.4.98 followed by another representation dated 12.5.98 (Annexures 5 and 6) which have not been disposed of till date. He

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submits that the applicant should be informed the reasons why he had been again declared medically unfit by the impugned order in the light of the Annexure 3 certificate dated 8.5.1987. In these circumstances, learned counsel submits that he would be satisfied if a direction is given to Respondents 2-3 to dispose of the applicant's appeal and the representation dated 1.4.98 and 12.5.98, respectively.

2. We note that the applicant had filed earlier OA 1225/97 which was disposed of by order dated 18.11.97 with a direction to the respondents to have the applicant re-examined by their own Medical Officers and if he is found medically fit to perform duties of Casual Labour Safaiwala and otherwise eligible for appointment under the Rules, they should consider placing his name in the Live Casual Labour Register. The contention of the learned counsel for the applicant that the impugned order (Annexure-1) is not a speaking order, is correct. If indeed the applicant has submitted Annexure-3 certificate to the respondents for consideration before he was re-examined, the reasons for declaring him medically unfit should have been indicated.

3. In the result, the application is disposed of at the admission stage itself with a direction to the respondents to consider and dispose of the applicant's appeal and representation dated 1.4.1998 and 12.5.1998 by a reasoned and speaking order with intimation to the applicant within a period of one month from the date of receipt of a copy of this order.

No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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