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Central Administrative Tribunal Principal Bench

OA No. 576/95

New Delhi, this the 21st day of March, 1996

Hon'ble Shri A.V. Haridasan, Vice-Chairman(J)  
Hon'ble Shri R.K. Ahooja, Member (A)

Raghubir Singh son of Shri Bhartu,  
resident of House No. 90,  
village and post office Mitraon,  
New Delhi.

...Applicant

(By Shri D.S. Jagotra, Advocate)

Versus

1. Government of National Capital Territory  
of Delhi,  
through the Development Commissioner,  
Govt. of NCT of Delhi, 5/9,  
Underhill Road,  
Delhi.

2. The Deputy Conservator of Forests,  
Govt. of N.C.T. of Delhi,  
Kamla Nehru Ridge,  
Delhi.

...Respondents

(By Shri Girish Katpalia, Advocate)

ORDER (Oral)

By Shri A.V. Haridasan, Vice-Chairman(J)

The applicant, a casual labour, aggrieved that the termination of his service on the ground that he was found unfit when screened for regularisation has sought the following reliefs:

a) to direct the respondents to take the applicant into service from the date he has been declared fit.

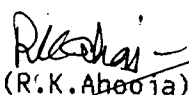
b) that the respondents be directed to regularise the applicant after taking a second medical opinion if considered necessary and to treat him in continuous service without any break so that he may not lose his seniority as he has already put in over 20 years and is perhaps the oldest casual labourer.

c) grant him back-wages from the date he was entitled to and also such other privileges such as bonus etc. which may be due to him.

2. The respondents have opposed the grant of the reliefs. But when the application came up for hearing on admission, the learned counsel on either side agree that if the applicant appears before the second respondent on a specified date, he will be subjected to a medical test for ascertaining his fitness and if found fit, the respondents would take him back in service as a casual worker and thereafter consider his case for regularisation in accordance with rules.

3. In the light of what is stated above, we dispose of this application at the admission stage itself with direction to the applicant to appear before the second respondent within a period of 15 days from today and also with a direction to the second respondent that the fitness of the applicant shall be ascertained by him by subjecting him to examination by the concerned medical authorities and if he is found fit, the applicant shall be taken back as casual worker. We further direct that after his assumption of duty, his case for regularisation shall be taken in his turn in accordance with the Scheme and rules. There is no order as to costs.

4. A copy of this order be sent to the respondents and to the applicant.

  
(R.K. Ahooja)  
Member (A)

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(A.V. Haridasan)  
Vice-Chairman(J)