

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

19

O.A.No.989 of 1995

New Delhi, dated this the 17th April, 1997.

HON'BLE MR.S.R.ADIGE MEMBER(A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER(J).

Shri Shiv Kumar,
S/o Shri Tara Chand,
R/o C-50, New Seema Puri,
Shahdara,
Delhi- 110093.

.....Applicant.

(By Advocate: Shri L.C.Goyal)

Versus

1. The Development Commissioner,
National Capital Territory of Delhi,
5/9, Under Hill Road,
Delhi- 110054.

2. The Dy. Conservator of Forests,
National Capital Territory of Delhi,
Kamla Nehru Ridge,
Delhi- 110007.

3. The Medical Board,
L.N.J.P.N.Hospital,
through the Medical Superintendent,
LNJPN Hospital,
New Delhi - 110002

..... Respondents.

(None appeared).

ORDER(ORAL)

BY HON'BLE MR.S.R.ADIGE, MEMBER(A).

Applicant seeks a direction to quash the termination order dated 28.2.91 (Annexure-A) and for reinstatement with consequential benefits including continuity of service.

2. Applicant contends that he was appointed as a Casual Labourer some years back. Consequent to Hon'ble Supreme Court's directions to respondents to constitute a scheme for regularisation of Casual

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labourers, applicant contends that he was directed to appear before a Selection Board vide OM dated 21.11.90 (Annexure-B) and after being selected, he was medically examined by the Staff Surgeon who declared him medically unfit as he was stated to be suffering from T.B. vide Memo dated 28.8.91 (Annexure-A) but an opportunity was given to him to represent against that medical report, in response to which the applicant states that after getting himself examined by two doctors, Respondent No.2 referred him to M.S. LNJP Hospital for re-examination by a Medical Board, and that Medical Board by letter dated 7.9.93, despatched on 5.11.93, declared applicant fit for appointment to Govt. service. Applicant contends that despite receipt of that Medical Report, ^{by respondents} he has not been appointed. He states copy of that report was not supplied to him but he was given only the reference number and date of despatch.

3. Despite service of notice on Respondent No.1 none has appeared so far despite successive dates and no reply has been filed either. Notice on other respondents has been presumed served, by orders dated 20.7.95.

4. As none appeared on behalf of respondents when this case was called out today, we are disposing it off after hearing applicant's counsel, with following directions:

- (i) If the applicant's contention is correct that the Medical Board vide their letter dated 7.9.93 found him medically fit for appointment to Govt. service, the respondents will, on the basis of the contents of that letter, consider applicant's case for appointment, in accordance with rules within two months from the date of receipt of a copy of this order.

- (ii) In the event that the Medical Board has not been convened as yet, Respondents will take immediate steps to convene a Medical Board of at least three Doctors including one T.B. Specialist, under intimation to the applicant, who should present himself before that Board, for examination, and Respondents will take further action in accordance with law in the light of the recommendation of that Medical Board. This should be done within three months from the date of receipt of a copy of this order.

5. This OA stands disposed of accordingly. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)..

S. R. Adige
(S. R. ADIGE)
MEMBER(A).

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