

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.275/96

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 9th day of November, 1999

Satya Pal Singh
s/o Shri Dal Chand
r/o House No.402, Karkadooma
Delhi - 92
working as Casual Labour ~~Conservator~~
at the office of Dy. ~~Commissioner~~
of Forests
National Capital Territory of Delhi
Kamla Nehru Ridge
Delhi - 110 007. Applicant

(None)

Vs.

1. The Development Commissioner
National Capital Territory of Delhi
5/9, Under Hill Road
Delhi - 110 054.
2. The Dy. Conservator of Forests
National Capital Territory of Delhi
Kamala Nehru Ridge
Delhi - 110 007. Respondents

(None)

ORDER (Oral)

By Shri R.K.Ahooja, Member(A):

None appears for the applicant even on second call. None had also appeared on behalf of the applicant on various earlier occasions also. This is an old case of 1996 and is being disposed of in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The applicant after working as a Casual Labour with Respondent No.2 for about 9 to 10 years, was directed to appear before the Staff Surgeon/Medical Superintendent (Civil Surgeon) for medical examination who declared him medically unfit. The applicant thereafter got himself examined by two

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doctors of a Government Hospital and on that basis sought a review of the earlier decision of the Civil Surgeon/Medical Board. The said representation was rejected. The applicant thereafter filed an OA 2289/93 which was disposed of with a direction that as the applicant had rendered more than 6 to 7 years service and since in similar other cases the respondents had taken a lenient view, the competent authority should refer the case of the applicant again to the Medical Board. The applicant was thereafter reappointed w.e.f. 29.3.1995. He has now come before the Tribunal that he should be reinstated w.e.f. 24.6.1991 when his services were terminated and he should also be given his back wages.

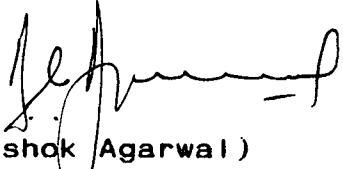
3. The case of the applicant is based entirely on the decisions in OA 2594/92 and OA 2597/92. In those cases the applicants who were also initially rejected on medical ground were ordered to be reinstated with back wages. The applicant submits that as he was similarly placed as the applicants in OA 2594/92 and OA 2597/92, the respondents should also give him the same benefits. We do not, however, find that this is a valid ground. In case of the applicant, the Tribunal had only directed the respondents to submit his case again to the Medical Board. Unlike the applicants in other OAs no directions were given that he should be reinstated and back wages should be given. The respondents say that the applicant was suffering from Pul. T.B. which is a communicable disease and therefore he would not be

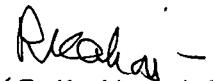
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taken back in service till fitness certificate was produced in a proper proforma. It was for that reason that his reinstatement was delayed.

4. We cannot find any fault with the aforesaid action of the respondents. In any event the case of the applicant would be covered by the directions of the Tribunal in his own OA. The respondents have complied with the directions of the Tribunal and have submitted the case of the applicant to the Medical Board and thereafter he has been reinstated.

5. Accordingly, finding no ground for interference, the OA is dismissed. In the circumstances of the case, there shall be no order as to costs.


(Ashok Agarwal)
Chairman


(R.K. Ahuja)
Member (A)

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