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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.912/96  
MA-960/96

New Delhi this the 18th day of March, 1997.

Hon'ble Mr. S.R. Adige, Member (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

Jaswant Singh Rahi,  
son of Sh. Sri Ram,  
H.No.759,  
Mandir Wali Gali,  
Kapashera,  
New Delhi-110 047.

...Applicant

(By Advocate Sh. G.D. Bhandari)

-Versus-

1. Union of India through  
the General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Allahabad.

...Respondents

(By Advocate - None)

ORDER (Oral)  
(Hon'ble Mr. S.R. Adige)

The applicant prays for a direction to respondents to subject him to a fresh medical examination for some other suitable post in group 'C' where there is a short fall/back log of reserve quota employees, after issuing a proper medical requisition in terms of the latest Railway Board circular dated 1.2.96, with consequential benefits.

2. This O.A. was filed on 1.5.96 but despite service of notice upon the respondents no reply has been filed by them. On 14.11.96 Shri Rajeev Sharma, counsel has appeared for the respondents and stated that he had returned the brief to the respondents and they <sup>would</sup> be engaging a fresh counsel,

1 but none appeared on behalf of the respondents on the next date, i.e., 31.12.96, on which date it was made clear that if no reply was filed by the respondents by the next date it will be presumed that they were not interested in fileing the same and their reply to file reply will stand forfeited.

3. Again none appeared for the respondents on 12.2.97 and none has appeared today also. Under the circumstances we can only conclude that the respondents are not interested in being heard in this case.

4. In this case Shri Bhandari has stated that the applicant has filed a series of representations to the respondents from 27.5.93 onwards but the same have also not been disposed of by the respondents.

5. In this connection he has also invited our attention to the C.A.T. (PB) judgement dated 4.2.93 in OA-260/93 - S.K. Puskar vs. Union of India & Ors., which he states, fully covers the present case. There is nothing to indicate that the said judgement has <sup>not</sup> become final.

6. We dispose of this OA with a direction to the respondents to consider the averments made by the applicant in his representation dated 27.5.93 in the background of the Tribunal's judgement dated 4.2.93 in OA-263/93 - S.K. Puskar vs. Union of India

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& Ors. and pass a detailed, speaking and reasoned order, in accordance with law within two months from the date of receipt of a copy of this order. In the event the applicant is aggrieved by the orders passed by the respondents, it will be open to him to agitate the same through appropriate proceedings in accordance with law, if so advised.

7. With the aforesaid directions this OA stands disposed of. No costs.

A. Vedavalli

(Dr. A. Vedavalli)  
Member(J)

S.R. Adige  
(S.R. Adige)  
Member(A)

'Sanju'