

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA NO. 1921/2000
MA NO. 1787/2001

(A)

New Delhi, this the 19th day of December, 2001

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Shri Jit Singh
S/o Sh. Raunak Singh,
Fireman,
Municipal Corporation,
Ludhiana (Punjab). Applicant
(By Advocate: Ms. Vandana Sharma)

Versus

1. Union of India
through Secretary,
Govt. of India
Ministry of Home Affairs,
New Delhi.
2. Chief Fire Officer,
Delhi Fire Service,
Fire Headquarters,
Connaught Place,
New Delhi.
3. The Director,
National Fire Service College,
Nagpur (Maharashtra).
4. Fire Officer,
Municipal Corporation,
Ludhiana (Punjab). Respondents
(By Advocate: Sh. R.N. Singh)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

By this order we will decide MA-1787/2001 as well as
OA-1921/2000.

2. The facts in brief are that the applicant is employed as Fireman in the Municipal Corporation, Ludhiana and was nominated for the course of Sub Officer to be conducted by the National Fire Service College, Nagpur. He was admitted to the 80th Sub-Officers course which was to commence from 3.1.2000 at Nagpur. But this admission to the course was subject to production of medical fitness certificate from Medical Board before joining the course. Accordingly, the applicant

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submitted a medical certificate from Civil Surgeon, Ludhiana whereby he was declared medically fit to undergo the course. But when the applicant was examined by the Medical Board of the National Fire Service College of Nagpur he was declared unfit to undergo the course as such the applicant was released from the course vide order dated 10.1.2000 passed by the Director, National Fire Service, Nagpur. It is this order which is being challenged by the applicant in this OA. The applicant submits that the Medical Board of the National Fire Service College had wrongly declared the applicant as unfit to undergo the course. And it is further submitted that the impugned order is violative of principles of natural justice. It is arbitrarily unjust, unconstitutional and unlawful. In the OA he has prayed for quashing of the same and direction to the respondents to permit the applicant to join the regular course which had commenced from 1.7.2000. The applicant had also referred to another interim order passed by this Tribunal in similar circumstances in OA No. 263/2000 which was passed as follows:

"Pending further orders medical examination be conducted by the State Government's Medical Board of the Medical College of Health Officer Department at Nagpur. Pending that the applicant shall be permitted to attend the course regularly

3. So the applicant had come up with the present MA-1787/2001 seeking a direction to the authorities to allow the applicant to join who undergo the course which had commenced on 1.7.2001. The OA is being contested by the respondents.



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Counter affidavit have been filed by Resp. No.1, 3 & 4. It is Resp. No.3 who are running the course. The respondents in their reply pleaded that admission to the course is always granted on provisional basis subject to production of medical fitness certificate from the Medical Board but the applicant had failed to submit the same rather he was declared unfit by the Board. Hence, order issued by the respondents denying him to join the course are correct. And it is further pleaded that since the applicant had not produced the proper medical certificate, so the OA is liable to be dismissed. The respondents have also submitted that Resp. No.3 has no objection to consider the case of the applicant in Sub-Officers course in future provided the applicants candidature is sponsored by his department alongwith the undertaking on the prescribed form as per rules.

4. We have heard the learned counsel for the parties and gone through the record.

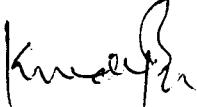
5. The perusal of the OA shows that when the OA was filed, the applicant had made a prayer that applicant be allowed to join and attend the 80th course commencing from 1.7.2000 and by the MA the applicant has prayed for joining the course commencing from 1.7.2001. Today when we have heard the course it is already the fag end of December 2001 Course had already commenced and must be nearing completion. So to that extent we find that the OA has become infructuous and it would not be proper to pass any direction directing the respondents to permit the applicant to join the course which had commenced on 1.7.2000 or 1.7.2001. So the OA has to be disposed of in these very terms. However, considering the claim of the applicant, Resp. No.3 have not objection for admission of the

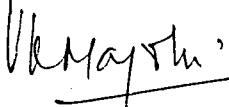
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applicant in future course provided the department of the applicant sponsors his candidature for the Sub-Officers alongwith the undertaking on the prescribed form. So at the most the only direction which can be passed that whenever the next course shall commence the department of the applicant where the applicant is employed shall sponsor the name of the applicant and Resp. No.3 shall admit the applicant to the course in accordance with the rules and on furnishing the prescribed undertaking as required.

6. We dispose of the OA with a direction to Resp. No.4 to sponsor the candidature of the applicant, if he is still eligible for the next course, whenever the next course of Sub-Officers commences and the Resp. No.3 shall admit the applicant to the course subject to all formalities as prescribed for the course. OA stands disposed of.


(KULDIP SINGH)
Member (J)


(V.K. MAJOTRA)
Member (A)

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