

(B)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-2082/2000

New Delhi this the 13th day of July, 2001.

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)  
Hon'ble Dr. A. Vedavalli, Member(J)

Sh. Chittarmal,  
S/o Sh. Jai Ram Meena,  
R/o 55/658, Puchkuyina Road,  
New Delhi.

..... Applicant

(through Sh. Yogesh Sharma, Advocate)

Versus

1. Union of India through  
the Secretary,  
Ministry of Finance,  
Govt. of India,  
North Block,  
New Delhi.

2. Under Secretary(A),  
Ministry of Finance,  
Department of Revenue,  
Govt. of India,  
North Block,  
New Delhi.

3. The Section Officer(A),  
Ministry of Finance,  
Deptt. of Revenue,  
Govt. of India,  
North Block,  
New Delhi.

..... Respondents

(through Sh. V.P. Uppal, Advocate)

ORDER (ORAL)

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)

Applicant seeks a direction, to allow him to perform his duties on the basis of the letter dated 28.06.99 (Annexure-A/1) offering him appointment as Peon in Revenue Department of Finance Ministry.

2. We have heard applicant's counsel Sh. Yogesh Sharma and respondents counsel Sh. V.P. Uppal.

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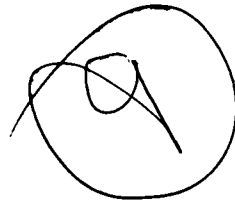
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3. Respondents have contended in their reply, that based upon the aforesaid letter dated 28.06.99, offering the applicant appointment to the post of Peon, he was required to get himself medically examined in terms of the aforesaid letter, but as he did not do so, inasmuch as no medical report was received or produced by him, aforesaid offer stood cancelled and the next candidate Sh. Hukum Chand was offered appointment.

4. Applicant on the other hand contends that based upon the aforesaid letter dated 28.06.99, he had actually joined duty and had worked for approximately eight days, before his services were abruptly terminated.

5. It is not respondents case that applicant obtained the aforesaid letter dated 28.06.99 through fraud or any other illegality, and manifestly even if he did not submit the medical certificate within time, as contended by respondents, they should have given him another opportunity to do so, before cancelling his offer of appointment.

6. In this connection, Sh. Sharma has shown us a copy of respondents letter dated 18.06.99 addressed to Medical Officer, CGHS Dispensary, Kali Bari Marg with a copy to the applicant directing him to appear for medical examination on 22.06.99. The aforesaid letter is taken on record and the applicant has furnished a copy of the medical certificate dated 19.06.99 (Annexure-P1 to rejoinder) declaring him fit for the job of Peon.



7. Prima facie we have no reason to doubt the correctness of the aforesaid medical certificate dated 19.06.99, and on that basis, respondents should take applicant back on duty within one month from the date of receipt of a copy of this order.

8. It is made clear that applicant will not be entitled for the back wages from 19.06.99 till the date he is taken back on duty, but the aforesaid period will count towards seniority and other service benefits.

9. The OA is allowed to the extent as stated above. No costs.

A. Vedavalli  
(Dr. A. Vedavalli)  
M(J)

S.R. Adige  
(S.R. Adige)  
VC(A)

/vv/