

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI:

R.A.No.402/94 in

O.A. 1309/93

New Delhi, this the 3rd December, 1994

Hon'ble Shri J.P. Sharma, Member(J)

Hon'ble Shri S.R. Adige, Member(A)

Shri Parveen Kumar,
s/o Shri Purshotam Lal,
presently working as Auditor
R/o 1580-A, Rani Bagh,
Shakur Basti,
Delhi.

... Applicant

Vs.

Union of India
through

1. The Secretary,
Department of Personnel & Training,
New Delhi.
2. The Chairman,
Staff Selection Commission,
C.G.O. Complex,
New Delhi.
3. The Commissioner of Police,
Police Headquarters,
I.P. Estate,
New Delhi.

... Respondents

O R D E R

Hon'ble Shri J.P. Sharma, Member(J)

The Review applicant filed this Review application for the review of the judgement dated 14.1.94 in O.A.No.1309/93 alongwith M.A.No.3916/94 for condoning the delay in filing the Review application.

2. We have considered the M.A. and we find that the applicant has taken a sufficient cause supported by an affidavit of not filing the Review application in time. The delay in filing the Review application is condoned.

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3. The applicant has the grievance that inspite of having qualified for the post of S.I.(Executive) in Delhi Police in the competitive examination conducted by Staff Selection Commission he has not been given appointment because he was declared medically unfit.

4. The grounds taken by the applicant in para 2 of the Review application do not make out a case for review of the judgement as no error apparent on the face of the judgement or non consideration of any averment or argument of the counsel has been referred to. In the grounds taken by the Review applicant, the decision had already been taken in the body of the judgement. The applicant had been medically examined and found unfit because of defective vision. There is no scope now left for further hearing of the case or giving an opportunity to the applicant of further medical examination. The applicant had already been examined twice. The Hon'ble Supreme Court in the case of State Bank of India V. G.K. Dshak reported in (1994) 26 ATC 736 held that there is limited scope of judicial review of medical fitness. The specialist Doctor's opinion declaring the candidate to be unfit on account of defect in eye in the absence of allegation of malafides or malice there should be no interference and the direction issued by the High Court against the medical opinion were quashed. It is for the expert bodies or specialist to find the fitness whether a candidate is physically in all respect suitable for the job for which he has been selected. There is no averment of malafide or malice either in the O.A. or in the grounds for review.

5. There is no error apparent on the face
of the judgement. The Review application is
therefore dismissed by circulation.

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

Sharma
(J.P. SHARMA)
Member (J)

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