

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1622/92

96

New Delhi this the 29th day of September 1997

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

Shri Riyaz Mohd.
S/o Shri Umar Mohd.
R/o Village Nangla Jahanu
P.O. Kureb
Distt. Buland-shahar, U.P.

.....Applicant

(By Advocate: Shri H.Sham Sudin Khan)

Versus

1. Commissioner of Police Delhi
Delhi Police Headquarters, M.S.O. Bldg.,
I.P. Estate, New Delhi.
2. Principal,
Police & Training School,
Jharoda Kalan, New Delhi

.....Respondents

(By Advocate: Shri Ajesh Luthra, proxy for
Mrs Jyotsna Kaushik)

ORDER (Oral)

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

Applicant impugns the order dated 22.12.90 terminating his services under Rule-6 C.C.S. Temporary Service Rules 1965. Respondents state that applicant reported for training as a Police Constable on 12.11.90 but during the course of training he was alleged to have been using drugs and suffering from some mental disease. Accordingly he was sent to the Medical Superintendent cum-Medico Legal Expert, Civil Hospital Rajpur Road Delhi for his medical examination, who vide his letter dated 20.12.90 mentioned that applicant was a case of Schizophrenia and was mentally disoriented and restless

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and, therefore, was not fit for police service. Accordingly by impugned order dated 22.12.90, respondents terminated the applicant's services as he was a temporary Government servant. His representation against termination was also rejected.

2. We note that applicant has filed a certificate, said to have been issued by the Assistant Professor Psychiatrist Mental Disease Centre Jaipur dated 27.3.91 certifying him, after thorough examination to be fit for duty in Delhi Police.

3. Respondents themselves in para-5 (b) do not deny that this fitness certificate was issued from the Government Hospital Jaipur.

4. After hearing applicant's counsel Shri Samsuddin Khan and respondents proxy counsel Shri Ajesh Luthra, we dispose of this OA with a direction that in the event the applicant files a self contained representation to the Commissioner of Police within two weeks from today. Respondents will request the All India Institute of Medical Sciences to convene a Medical Board of atleast three specialists in the relevant discipline, who will medically examine the applicant thoroughly and submit a report whether the applicant is fit for duty as a Constable in the Delhi Police. In the event of the Committee certifying the applicant's fitness for duty, respondents should consider taking the applicant back on

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10

duty as a Constable in accordance with rules and instructions. It is made absolutely clear that this will be treated as a fresh appointment. Applicant will have to undergo training afresh, and past service rendered will not count for any purpose.

5. The O.A. stands disposed of accordingly.
No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

cc.

S. R. Adige
(S. R. Adige)
Vice-Chairman (A)