

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2552/92

New Delhi, this the 12th day of November, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri N. Sahu, Member (A)

(12)

R.P. Singh s/o Sh. Gulzar Singh,
c/o Central Railway Hospital,
Near Railway Station, New Delhi.Applicant

(By Advocate: Shri VP Sharma through proxy
Shri M.K. Gaur)

Vs.

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Chief Medical Officer,
Northern Railway,
Baroda House,
New Delhi.
3. The Chief Hospital Superintendent,
Central Hospital,
Northern Railway,
New Delhi.
4. The Medical Superintendent,
Northern Railway,
Tundla (Uttar Pradesh).Respondents

(By Advocate: Shri P.S. Mahendru through proxy
Shri D.S. Mahendru)

O R D E R (ORAL)

Dr. Jose P. Verghese, Vice-Chairman (J) -

The relief sought in this OA is that the petitioner may not be compelled to appear before a Medical Board against his will. It was also sought from this Tribunal that a direction be issued to the respondents to restrain them from conducting a medical examination by a Medical Board for the purpose of determining the fitness or

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retention of the applicant in service till full treatment is given by the railway administration to the applicant. A direction was also sought from this Tribunal that the respondents may be directed to provide the articles required for his treatment in All India Institute of Medical Sciences (AIIMS) as advised by the specialist reflected in an Annexure A-13 to the OA.

(b)

2. After notice respondents have filed their reply and stated that the direction for examination of the petitioner by a Medical Board was in the interest of the petitioner himself since he was being treated in the Central Railway Hospital, New Delhi during 6.11.1988 to 7.12.1988 for multiple injuries and when a specialist examined the petitioner, an opinion was recorded that his case may be referred to a Medical Board for the purpose of retaining him in service.

3. The petitioner had filed an MA in the meantime seeking an interim direction that on the recommendations of the doctors from the Central Railway Hospital, New Delhi, the petitioner had obtained admission in AIIMS but the required articles were not available and the same may be directed to be provided through an interim order. This interim prayer though was the same as the prayer in the original application was considered by this court and no order was passed at that stage.

4. We have heard the parties and we find that no relief can be given to the petitioner at this stage because, as the application stands on file, no order as to his retention or removal has been passed till today nor in the same subject matter of dispute in this OA, and whether

(X)

the reference to the Medical Board is relevant or not seems to be a question not open today. In any event the petitioner has full liberty to appear before a Medical Board, if it is in his own interest.

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5. In the circumstances, no order can be passed in this O.A. and as such the same is dismissed of with no order as to costs.

Naresh

(N.Sahu)
Member (A)

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J
(Dr. Jose P. Verghese)
Vice-Chairman (J)