

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. 112/92

Date of decision: 10.12.92.

Jaswant Singh

.. Applicant.

Versus

Delhi Administration .. Respondents
& others.

Sh.Rishi Kesh with .. Counsel for the applicant.
Sh.L.C.Goyal.

Sh.Gajraj Singh .. Counsel for the respondents.

CORAM:

The HOn'ble Sh.Justice Ram Pal Singh, Vice Chairman(J)

The Hon'ble Sh.I.P.Gupta, Member(A).


J U D G E M E N T (ORAL)

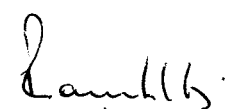
In this application filed under Section 19 of the Administrative Tribunals Act, the applicant has challenged the order dated 24.4.91 regarding the termination of his services. This termination was on the ground that the applicant was reportedly suffering from pulmonary T.B. While the services were terminated the applicant was also given chance, after termination, for submitting medical report within thirty days by two medical officers possessing M.B.B.S. qualification for production of report that he was not suffering from a disease as contended by the Staff Surgeon. The applicant submitted two medical reports (Annexure B, pages 15-16) saying that they could not discover any disease, constitutional weakness or bodily infirmity. The learned counsel for the respondents contended that the applicant was asked to get medical ^{report} service specifically on the point as to whether he was suffering from pulmonary T.B.. Such a clear certificate was not given by the two medical officers and perhaps the applicant did not disclose to the Doctors that there was a suspicion of

his having suffered or being suffering from pulmonary T.B.

2. The applicant ~~is a~~ casual labour who has put in more than 240 days of work and according to the learned counsel for the applicant the applicant was working from 1985.

3. We have heard both the counsels. We find that the certificates produced by the applicant are not in proper form. However, we have to take into account that the applicant had worked in the office of the respondents for several years and it is not the case of either parties that there was any complaint about his work. We are, therefore, of the opinion that the respondents should give a further opportunity to produce appropriate medical certificates in the proper form with a clear mention of the point as to whether he was suffering from pulmonary T.B. or not? In the interest of justice and fair play, we direct the respondents to ~~reimburse~~ take back the applicant in service as casual labour within a period of one month from the date of receipt of this order. They shall give an opportunity to the applicant to produce the medical certificates within a period of one month from the date of ~~receipt of this~~ taking back the applicant in service and refer the case to the medical authority, as necessary for consideration. In the event of the applicant having been found medically fit by the appropriate authority, in accordance with the rules, the question of regularisation should be considered according to the scheme of the respondents. With these directions the O.A. stands disposed of with no order as to costs.


(I.P. GUPTA)
MEMBER(A)


(RAM PAL SINGH)
VICE CHAIRMAN(J)