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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**NEW DELHI**

**O.A. No.** 1647/93  
**T.A. No.**

199

**DATE OF DECISION** 17.8.93

Shri Mahadev Prashad

**Petitioner**

Shri V.P.Sharma

**Advocate for the Petitioner(s)**

**Versus**

Union of India

**Respondent**

Advocate for the Respondent(s)

**CORAM**

**The Hon'ble Mr. J.P.SHARMA**

**MEMBER (J)**

**The Hon'ble Mr. S.GURUSANKARAN**

**MEMBER (A)**

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

**JUDGEMENT(ORAL)**

This judgement was delivered by Hon'ble Shri  
J.P.Sharma, Member (J)

The applicant is aggrieved by the action of the respondents of not ~~being~~ issuing a medical certificate to the effect that he has recovered from sickness and fit to resume the normal duties on the post he was working earlier when he proceeded on sick leave. The contentions of the learned counsel is that the applicant has approached the authorities

and also filed a letter dated 26th September, 1992, which he submitted to the respondents in that regard. By letter dated 6.1.1993 (Annexure A2) it has been asked by the A.E.M. as to whether the applicant can be provided light duty for a period of three months and if not so, then the matter may be referred to D.P.O., New Delhi for providing light duties and then the case referred to medical authorities for review. It appears that the applicant has not been given any duty as a alleged by the learned counsel during the course of the arguments.

2. We find that the applicant has not made effective representation to the concerned authorities for not giving adequate reply/any reply to the Senior Medical Superintendent so that he may be able to issue the required certificate.

3. The learned counsel for the applicant argued that it was not mandatory on the part of the applicant to make any representation to the concerned competent authority in this regard. Section 20 of the Administrative Tribunals Act, 1985 and rule 23 of CCS (CCA) rules makes it mandatory to make effective representation of his grievance. That is not the case here. Further, taking a magnanimous consideration on the matter and also to the submission made by the learned counsel for the applicant that the applicant was at one time on death bed, we direct the applicant to make another representation if not made earlier and the respondents may consider the case of the applicant and issue necessary direction in this regard at an early date. In the event of applicant being aggrieved by any such order, he will be at liberty to assail the grievance as per the existing rules.

*[Signature]*  
S. GURUBANKARAN  
MEMBER (A)

*[Signature]*  
J.P. SHARMA  
MEMBER (J)